



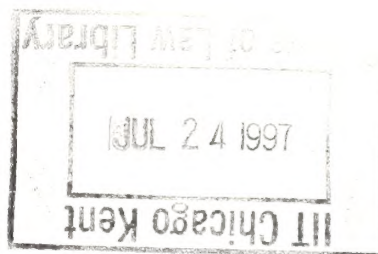
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Secretary of State

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April 18, 1997 - Issue 16: Through	March 31, 1997
July 18, 1997 - Issue 29: Through	June 30, 1997
October 17, 1997 - Issue 42: Through	September 30, 1997
January 16, 1998 - Issue 3: Through	December 31, 1998 (Annual)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED RULES

1) Heading of the Part: Child Care2) Code Citation: 89 Ill. Adm. Code 503) Section Numbers:

50.101, 50.110, 50.120, 50.130	<u>Proposed Action:</u>
50.210, 50.220, 50.230, 50.240	New Section
50.250, 50.310, 50.320	New Section
50. TABLE A, 50. TABLE B	New Section

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Section 402 of the Social Security Act as revised by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193) and P. A. 90-17

5) Complete Description of the Subjects and Issues Involved: In conjunction with the formation of the Department of Human Services (DHS), this rulemaking adds child care rules for the newly-created DHS. These child care rules are intended to replace the current Department of Public Aid (DPA) and Department of Children and Family Services (DCFS) child care rules. This new child care program is authorized by P. A. 90-17. It is an income-based program which also requires clients to contribute to the cost of care based on income and family size. This rulemaking is being adopted on an emergency basis effective July 1, 1997.

6) Will these proposed amendments replace emergency amendments currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Judy Umunna
Bureau of Rules and Regulations
Illinois Department of Human Services
100 South Grand Ave. E., 3rd Floor
Springfield, Illinois 62762

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED RULES

Phone: (217) 524-3217

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to these proposed amendments. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to these proposed amendments.

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None

13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because it was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Rules are identical to the text of the Emergency Rules which appears in this issue of the Register on page 9393.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED RULES

1) Heading of the Part: General Administrative Provisions2) Code Citation: 89 Ill. Adm. Code 103) Section Numbers:

10.101, 10.110, 10.120, 10.130 New Section
 10.140, 10.210, 10.270, 10.280 New Section
 10.281, 10.282, 10.284, 10.290 New Section
 10.295, 10.300, 10.310, 10.320 New Section
 10.330, 10.340, 10.350, 10.360 New Section
 10.370, 10.380, 10.415, 10.420 New Section
 10.430, 10.438, 10.440 New Section

Proposed Action:4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 89-507

5) Complete Description of the Subjects and Issues Involved: In conjunction with the formation of the Department of Human Services (DHS), this rulemaking adds provisions from the current rules of the Department of Public Aid (DPA) which need to be utilized by both agencies. This rulemaking is also being adopted on an emergency basis effective July 1, 1997. To minimize confusion, the numbering of the new Sections has been designed to reflect the numbering of the provisions from which the provisions are taken whenever possible.

Subpart A (Applicability and Definitions) includes the following Section: taken from current provisions of Department of Public Aid rules at 89 Ill. Adm. Code 101. The provisions of Sections 10.120, 10.130 and 10.140 reflect the emergency changes in Sections 101.20, 101.30 and 101.40 which were adopted effective July 1, 1997, for the Temporary Assistance for Needy Families (TANF) program.

New DHS Rules
 Section 10.101
 Section 10.110
 Section 10.120
 Section 10.130
 Section 10.140

Source in DPA Rules
 Section 101.1
 Section 101.10
 Section 101.20
 Section 101.30
 Section 101.40

Subpart B (Rights and Responsibilities) includes the following Sections taken from current provisions of Department of Public Aid rules at 89 Ill. Adm. Code 102.

New DHS Rules
 Section 10.210
 Section 10.270

Source in DPA Rules
 Section 102.10
 Section 102.70

DEPARTMENT OF HUMAN SERVICES

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New DHS Rules

Section 10.280
 Section 10.281
 Section 10.282
 Section 10.284
 Section 10.290
 Section 10.295
 Section 10.300
 Section 10.310
 Section 10.320
 Section 10.330
 Section 10.340
 Section 10.350
 Section 10.360
 Section 10.370
 Section 10.380

Source in DPA Rules
 Section 102.80
 Section 102.81
 Section 102.82
 Section 102.84
 Section 102.90
 Section 102.120
 Section 102.200
 Section 102.210
 Section 102.220
 Section 102.230
 Section 102.240
 Section 102.250
 Section 102.260
 Section 102.270
 Section 102.280

Subpart C (Application Process) includes the following Sections taken from current provisions of Department of Public Aid rules at 89 Ill. Adm. Code 110.

New DHS Rules
 Section 10.415
 Section 10.420
 Section 10.430
 Section 10.438
 Section 10.440

Source in DPA Rules
 Section 110.15
 Section 110.20
 Section 110.30
 Section 110.38
 Section 110.40

6) Will these proposed amendments replace emergency amendments currently ineffect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Judy Umunna
 Bureau of Rules and Regulations
 Illinois Department of Human Services

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED RULES

100 South Grand Ave. E., 3rd Floor
Springfield, Illinois 62762
(217) 524-3217

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to these proposed amendments.

These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to these proposed amendments.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because it was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments which appears in this issue of the Register on page 9397.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Hospital Reimbursement Changes

2) Code Citation: 89 Ill. Adm. Code 152

3) Section Numbers: Proposed Action:
152.150 Amendment
152.200 Amendment
152.250 Repeal

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 90-9

5) Complete Description of the Subjects and Issues Involved: These proposed amendments concerning payments for hospital services are necessary to implement the State's fiscal year 1998 budget plan which requires the continuation of current reimbursement levels. The Department will continue to reimburse hospitals for inpatient and outpatient services, for an indefinite period, according to current reimbursement levels.

Additionally, the rate appeal process found in Section 152.250 is being proposed for repeal. New provisions, which are intended to compensate for the elimination of the appeals process, are being proposed in 89 Ill. Adm. Code 148.296. These provisions will provide supplemental critical hospital adjustment payments to eligible hospitals and are designed to allow hospitals that are critical to the Medicaid program to maintain participation.

The proposed amendments to Sections 152.150 and 152.200 are not expected to result in any budgetary changes. The repeal of Section 152.250 will result in a decrease in expenditures of approximately \$41,000,000, but it is expected that these funds will be fully utilized in the new Supplemental Critical Hospital Adjustment Payment program, which is being proposed to cover critically necessary Medicaid services.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data,

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Ave. E., 3rd Floor
Springfield, Illinois 62762
Phone: (217) 524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

Any interested persons may review these amendments at the Department of Public Aid's local offices located in each county (except Cook County). In Cook County, the amendments may be reviewed at the Office of the Director, Illinois Department of Public Aid, 310 South Michigan Avenue, Suite 1700, Chicago, Illinois. The amendments may be reviewed at all offices Monday through Friday from 8:30 A.M. until 5:00 P.M. These copies of the amendments are being made available for review in accordance with federal requirements at 42 CFR 447.205.

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Section 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to these proposed amendments.

B) Reporting, bookkeeping or other procedures required for compliance: None

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

C) Types of professional skills necessary for compliance: None

- 13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because it was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments which appears in this issue of the Register on page 9400.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3) Section Numbers: Proposed Action:
148.295 Amendment
148.296 New Section

- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 90-9

- 5) Complete Description of the Subjects and Issues Involved: These proposed amendments to Section 148.295 revise the current Critical Hospital Adjustment Payment (CHAP) program to increase the facility components for Level I rehabilitation hospitals. These changes are necessary to cover the extremely high costs incurred by rehabilitation hospitals. For such hospitals with fewer than 90 annual Medicaid admissions, the facility component will increase from \$100,000 to \$250,000. Hospitals with 90 or more annual Medicaid admissions will have their facility component increased from \$400,000 to \$575,000. It is expected that these changes will result in increased annual expenditures of approximately \$500,000.

New Section 148.296 is being proposed to create the Supplemental Critical Hospital Adjustment Payment (SCHAP) program. These new provisions are designed to replace the rate appeal process found in 89 Ill. Adm. Code 152.250, which is being proposed for repeal. The SCHAP program will direct Medicaid dollars to hospitals that provide critically necessary Medicaid services. It is expected that the annual cost of this program will be approximately \$41,000,000. However, these expenditures will be fully offset by savings resulting from the elimination of the rate appeal process in Section 152.250.

- 6) Will these proposed amendments replace emergency amendments currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.
- 11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

must be in writing and should be addressed to:

Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Ave. E., 3rd Floor
Springfield, Illinois 62762
Phone: (217) 524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

Any interested persons may review these amendments at the Department of Public Aid's local offices located in each county (except Cook County). In Cook County, the amendments may be reviewed at the Office of the Director, Illinois Department of Public Aid, 310 South Michigan Avenue, Suite 1700, Chicago, Illinois. The amendments may be reviewed at all offices Monday through Friday from 8:30 A.M. until 5:00 P.M. These copies of the amendments are being made available for review in accordance with federal requirements at 42 CFR 447.205.

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to these proposed amendments.
- B) Reporting, bookkeeping or other procedures required for compliance:
None
- C) Types of professional skills necessary for compliance: None

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because it was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments which appears in this issue of the Register on page 554.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: School Bus Driver's Pretrip Inspection Requirements
- 2) Code Citation: 92 Ill. Adm. Code 458
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
458.1000	New Section
458.1010	New Section
458.1020	New Section
458.1030	New Section
458.Illustration A	New Section
- 4) Statutory Authority: Implementing and authorized by Section 13-115 of the Illinois Vehicle Inspection Law [625 ILCS 5/13-115, as amended by P.A. 89-658, effective August 14, 1996].
- 5) A complete description of the subjects and issues involved: By this Notice of Proposed Rules, the Department is establishing Part 458 on School Bus Driver's Pretrip Inspection Requirements. Public Act 89-658, effective August 14, 1996, allows a person other than the driver to perform portions of a pretrip inspection as prescribed by this Part. In addition to establishing procedures necessary to implement the Public Act, this Part clarifies and adds to some of the existing requirements. The existing requirements are currently contained in 92 Ill. Adm. Code 441.Illustration E and 92 Ill. Adm. Code 443.Illustration E. The Department intends to repeal these Illustrations in the near future.

Some of the changes, which essentially clarify the existing program and bring it into conformance with the Public Act, are as follows:

Part 458 will now include definitions.

Statutory language, concerning a person other than the driver performing portions of the pretrip inspection, has been added at Section 458.1030(a).

Clarification that the pretrip inspection consists of an inspection of mechanical and safety equipment on the school bus.

Clarification that the same driver operating the same bus more than once a day need not conduct subsequent inspections during the day.

A provision which states that any defects found on the bus must be recorded on the School Bus Driver's Pretrip Inspection Form.

A provision covering operation of the bus by a different driver for any subsequent trips during the day and additional pretrip inspections.

A listing of items which can be inspected during the pretrip by someone other than the driver and a provision requiring verification of these

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

items by the driver's signature on the Form.

A provision requiring that any person other than the driver inspecting any items in the above-mentioned list must provide their signature on the Form.

A provision which requires that, if defects are discovered, the school bus owner/operator must be notified.

A recommendation that all defects be corrected before any bus is used to transport children. Plus, a requirement that each school district or contractor must establish policies to govern procedures which are to be followed when any component is found unsatisfactory.

A provision which requires that, each day before a school bus is operated, the driver must examine the previous Form to verify that all defects have been corrected. If not, the driver must immediately notify the school bus owner/operator, or their designee.

The Department is requiring that the owner/operator, or their designee, be responsible for insuring that repairs are made as soon as practicable.

A provision which requires that, after any repairs are made, the school bus mechanic performing the repairs sign and date the Form.

A provision which requires that each school bus be equipped with an adequate supply of Forms.

Clarification that each bus shall have one booklet. Forms in duplicate shall remain on the bus for at least 30 days.

Clarification that individual components are to be checked or marked as the Form is being completed and not filled out in advance.

Provisions which describe the Form developed by the Department (Section 458.Illustration A) and a description of variations that would be acceptable to the Department. Variations of Section 458.Illustration A must be submitted to the Department for prior approval.

Finally, a provision which permits the use of preprinted Forms until depletion or until December 31, 1997.

6) Will this proposed rulemaking replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule contain incorporations by reference? No

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This Part will affect units of local government that own or operate school buses.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

By U.S. Mail:

Ms. Cathy Allen
Regulations Unit
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1181

By Messenger or Inter-Agency Mail:

DOT Annex Building
3215 Executive Park Drive
Commercial Vehicle Safety, 3rd Floor
Springfield, Illinois

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
2300 South Dirksen Parkway, Room 300
Springfield, IL 62764
(217) 782-3215

Comments received within forty-five days after the date of publication of this Illinois Register will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected: This Part affects small businesses that own or operate school buses.

B) Reporting, bookkeeping or other procedures required for compliance: The School Bus Driver's Pretrip Inspection Form was reorganized to implement the provisions of this Part and P.A. 89-658. For example,

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

P.A. 89-658 allows someone other than the driver to inspect some of the bus' mechanical components. The mechanical items are now grouped together on the form and a signature line is provided for any person inspecting mechanical components. The form was changed to follow the correct sequence of events necessary to perform the inspection. Additional components were also added to the form and terminology was updated.

- C) Types of professional skills necessary for compliance: No additional skills are necessary for compliance with this Part.

- 13) Regulatory Agenda on which this rulemaking was summarized: January 1997

The full text of the Proposed Rule(s) begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER e: TRAFFIC SAFETY (EXCEPT HAZARDOUS MATERIALS)

PART 458

SCHOOL BUS DRIVER'S PRETRIP INSPECTION REQUIREMENTS

Section

458.1000 Purpose

458.1010 Applicability

458.1020 Definitions

458.1030 Driver Requirements

ILLUSTRATION A School Bus Driver's Pretrip Inspection Form

AUTHORITY: Implementing and authorized by Section 13-115 of the Illinois Vehicle Inspection Law [625 ILCS 5/13-115, as amended by P.A. 89-658, effective August 14, 1996].

SOURCE: Adopted at 21 Ill. Reg. _____, effective _____.

Section 458.1000 Purpose

This Part prescribes the pretrip inspection requirements a school bus driver must follow each day a school bus is operated.

Section 458.1010 Applicability

This Part applies to the following persons:

- a) School bus drivers;
- b) School bus owners and operators;
- c) Mechanics performing repairs and adjustments on school buses; and
- d) Department personnel.

Section 458.1020 Definitions

"Code" - The Illinois Vehicle Code [625 ILCS 5].

"Department" - The Department of Transportation of the State of Illinois, acting directly or through its authorized agents or officers. (Section 13-100 of the Code)

"Officer" - An employee of the Illinois Department of Transportation.

"School Bus" - Every motor vehicle, except as provided below, owned or operated by or for any of the following entities for the transportation of persons regularly enrolled as students in grade 12

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

or below in connection with any activity of such entity:

Any public or private primary or secondary school;
Any primary or secondary school operated by a religious institution; or
Any public, private or religious nursery school.

This definition shall not include the following:

A bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interurban transportation of passengers when such bus is not traveling a specific school bus route but is:

On a regularly scheduled route for the transportation of other fare paying passengers;

Furnishing charter service for the transportation of groups on field trips or other special trips or in connection with other special events; or

Being used for shuttle service between attendance centers or other educational facilities.

A motor vehicle of the first division.

A motor vehicle designed for the transportation of not less than 7 nor more than 16 persons that is operated by or for a public or private primary or secondary school, including any primary or secondary school operated by a religious institution, for the purpose of transporting not more than 15 students to and from interscholastic athletic or other interscholastic or school sponsored activities. (Section 1-182 of the Code.)

"School Bus Driver" - Any person who operates a school bus for the purpose of transporting passengers.

"School Bus Pretrip Inspection" - The inspection performed by a school bus driver on his/her school bus prior to the bus being operated each day. Some components may be inspected by persons other than the driver. The inspection consists of checking mechanical and safety items on the bus.

"School Bus Driver Pretrip Inspection Form" - The form prescribed by the Department to be used by school bus drivers to perform the required pretrip inspection. The form contains all of the vehicle's components which must be inspected by the driver. (See Section 458.1182 of the Code.)

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

"School Bus Mechanic" - Any person authorized by the school bus owner/operator to make necessary repairs and adjustments on a school bus. May also be responsible for inspecting mechanical components during the pretrip inspection.

Section 458.1030 Driver Requirements

- a) Each day that a school bus is operated the driver shall conduct a pretrip inspection of the mechanical and safety equipment on the bus as prescribed by this Part. A person other than the driver may perform portions of the pretrip inspection as prescribed by this Part. (Section 13-115 of the Illinois Vehicle Inspection Law, as amended by Public Act 89-658)
- b) The pretrip inspection shall consist of inspecting mechanical and safety equipment on the school bus. (See Section 458.1182 of the Code for specific equipment listed.)
- c) The pretrip inspection shall be performed each day a school bus is operated. If the same driver operates the same bus more than once a day, a new inspection is not required for each subsequent trip.
- d) If a bus is operated by a different driver for any subsequent trips during the day, an additional pretrip inspection is required.
- e) The driver is required to complete a School Bus Driver's Pretrip Inspection Form (the Form) each time an inspection is performed. Any defects found on the bus must be recorded on the Form.
- f) The following items can be inspected during the pretrip by someone other than the driver (e.g., school bus mechanic). The driver is responsible for verifying these items have been inspected as required. Verification is provided by the driver's signature on the Form.
 - 1) Oil;
 - 2) Coolant;
 - 3) Battery;
 - 4) Transmission Fluid;
 - 5) Master Cylinder Brake Fluid;
 - 6) Power Steering Fluid;
 - 7) Washer Fluid;
 - 8) All belts (e.g., fan, alternator, power steering); and
 - 9) Wiring.

g) If any person other than the driver inspects any item listed in subsection (f) of this Section, that person must provide his or her signature on the Form.

h) If defects are discovered, the driver must notify the school bus owner/operator so the defects can be corrected.

i) The Department recommends that all defects be corrected before any bus is used to transport children. Each school district or contractor must establish policies to govern procedures that are to be followed when any component is found to be unsatisfactory.

j) Each day before a school bus is operated, the driver must examine the previous Form to verify all defects have been corrected. If all

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defects have not been corrected, the driver must immediately notify the school bus owner/operator or their designee.

- k) The Form shall be completed in duplicate.
- l) The original Form shall be presented to the school bus owner/operator, or his or her designee, each day an inspection is completed. The owner/operator, or his or her designee, shall be responsible for insuring the repairs/adjustments are made as soon as practicable.
- m) After any repairs are made, the school bus mechanic performing the repairs/adjustments must sign and date the Form.
- n) The original copy shall be maintained by the owner/operator for one hundred and eighty days from the date of inspection.
- o) The duplicate copy shall remain in the bus for thirty days from the date of inspection.
- p) The original Forms shall be organized in an orderly fashion and made available for inspection at any time by officers of the Department as authorized by 92 Ill. Adm. Code 456.60(11).
- q) The owner/operator is responsible for providing Forms to the drivers.
- r) Each school bus must be equipped with an adequate supply of Forms.
- s) Forms are typically organized in a booklet format. Each booklet assigned contains a number of Forms. Each bus shall have one booklet assigned to it. The booklet must stay on the bus until each duplicate copy has remained on the bus for at least 30 days (see subsection(o) of this Section).
- t) Forms must not be filled out in advance and each individual component must be checked or marked while the Form is being completed.
- u) A copy of Section 458.Illustration A can be used or a form can be developed which contains all the information found in Section 458.Illustration A.
- v) The Department must approve all variations of Section 458.Illustration A before a form other than Section 458.Illustration A can be used. Forms submitted for approval must be submitted to: Vehicle Inspection Unit Manager, Illinois Department of Transportation, Division of Traffic Safety, 3215 Executive Park Drive, P.O. Box 19212, Springfield, IL 62794-9212.
- w) The Form shall contain general information about the bus as well as list the items that are required to be inspected by the driver (see Section 458.Illustration A). A Remarks Section must be provided for the driver to detail specific defects. A signature line must be provided for the driver and, if applicable, the mechanic who performed any inspection of mechanical components. A signature and date line must also be provided for the school bus mechanic performing any repairs/adjustments.
- x) Inventory of preprinted Forms may be used, in the manner previously authorized, until depleted or until December 31, 1997.

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Section 458.Illustration A School Bus Driver's Pretrip Inspection Form

SCHOOL BUS DRIVER'S PRETRIP INSPECTION FORM	
School District or Contractor's Name	Date
Bus Identification No.	Operator's Reading
PLEASE CHECK "S" FOR SATISFACTORY OR "U" FOR UNSATISFACTORY. CHECK (✓) EACH COMPONENT CAREFULLY AND INDIVIDUALLY WITH ENGINE RUNNING. DRIVER ACTIVATES ALL EXTERIOR LIGHTS. REPEAT AROUND THE BUS AND CHECK:	
S <input type="checkbox"/> U <input type="checkbox"/> Oil	S <input type="checkbox"/> U <input type="checkbox"/> Power Steering Fluid
S <input type="checkbox"/> U <input type="checkbox"/> Coolant	S <input type="checkbox"/> U <input type="checkbox"/> Washer Fluid
S <input type="checkbox"/> U <input type="checkbox"/> Battery	S <input type="checkbox"/> U <input type="checkbox"/> Air Brakes
S <input type="checkbox"/> U <input type="checkbox"/> Transmission Fluid	S <input type="checkbox"/> U <input type="checkbox"/> Wiring
S <input type="checkbox"/> U <input type="checkbox"/> Master Cylinder Brake Fluid	
Signatures of person performing above inspection and the driver	
Driver Enters Bus and Checks:	
S <input type="checkbox"/> U <input type="checkbox"/> Stairs	S <input type="checkbox"/> U <input type="checkbox"/> Warning Devices
S <input type="checkbox"/> U <input type="checkbox"/> Cleanliness	S <input type="checkbox"/> U <input type="checkbox"/> Fuses
S <input type="checkbox"/> U <input type="checkbox"/> Seats	S <input type="checkbox"/> U <input type="checkbox"/> First Aid Kit
S <input type="checkbox"/> U <input type="checkbox"/> Seat Belts (if applicable)	S <input type="checkbox"/> U <input type="checkbox"/> Fire Extinguisher
S <input type="checkbox"/> U <input type="checkbox"/> Windows	S <input type="checkbox"/> U <input type="checkbox"/> Latching
Record odometer reading and compare the reading to last greater than reading is greater than the Certificate of Safety. (If odometer reading is greater the Certificate of Safety has expired.)	
Driver Starts Engine, Activates All Interior Lights and Checks:	
S <input type="checkbox"/> U <input type="checkbox"/> Steering Wheel	S <input type="checkbox"/> U <input type="checkbox"/> Hood Air Panel
S <input type="checkbox"/> U <input type="checkbox"/> Windshield Wipers and Washers	S <input type="checkbox"/> U <input type="checkbox"/> Control and Indicators
S <input type="checkbox"/> U <input type="checkbox"/> Heater and Defroster	S <input type="checkbox"/> U <input type="checkbox"/> Rear View Mirror
S <input type="checkbox"/> U <input type="checkbox"/> All Interior Lights	S <input type="checkbox"/> U <input type="checkbox"/> Rear Identification/Cluster Lights
S <input type="checkbox"/> U <input type="checkbox"/> Horn	S <input type="checkbox"/> U <input type="checkbox"/> Rear Light Flashing System
S <input type="checkbox"/> U <input type="checkbox"/> Service Door (open & closed)	S <input type="checkbox"/> U <input type="checkbox"/> Near Reflector
S <input type="checkbox"/> U <input type="checkbox"/> Air Mirrors (adjustments)	S <input type="checkbox"/> U <input type="checkbox"/> Near Emergency Door (open & closed)
S <input type="checkbox"/> U <input type="checkbox"/> Sun Visor	S <input type="checkbox"/> U <input type="checkbox"/> Near Rear (Wheels and Tires)
S <input type="checkbox"/> U <input type="checkbox"/> Emergency Exit (windows & doors & alarms)	S <input type="checkbox"/> U <input type="checkbox"/> Fuel Tank Fill Cap(s)
S <input type="checkbox"/> U <input type="checkbox"/> Clutch (if applicable)	S <input type="checkbox"/> U <input type="checkbox"/> Odometer
S <input type="checkbox"/> U <input type="checkbox"/> Blowing Warning Alarm	S <input type="checkbox"/> U <input type="checkbox"/> Switches
S <input type="checkbox"/> U <input type="checkbox"/> Driver's Seat Belt	S <input type="checkbox"/> U <input type="checkbox"/> Service and Emergency Brake Operation

REMARKS

Signature of Driver

Signature of Mechanic Making Repair/Adjustment

Date Repair/Adjustment Completed

TS 2302 Rev. 9/97

BOARD OF TRUSTEES OF ILLINOIS PUBLIC UNIVERSITIES

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- 1) Heading of the Part: Joint Rules of the Illinois Public Universities Procurements and Bidding

- 2) Code Citation: 44 Ill. Adm. Code 525

- 3) Section Numbers: Adopted Action:

525.10 Amendment
 525.20 Amendment
 525.50 Amendment
 525.60 Amendment
 525.70 Amendment
 525.100 Amendment
 525.110 Amendment
 525.300 Amendment
 525.320 Amendment
 525.330 Amendment
 525.400 Amendment
 525.410 Amendment
 525.500 Amendment
 525.510 Amendment
 525.530 Amendment
 525.540 Amendment
 525.600 Amendment
 525.630 Amendment
 525.670 Amendment
 525.700 Amendment
 525.720 Repealed

- 4) Statutory Authority: 30 ILCS 505/6

- 5) Effective Date of Rulemaking: July 15, 1997

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rulemaking contain incorporations by reference? Yes

- 8) Date Filed in Agency's Principal Office: June 19, 1997

- 9) Notice of Proposal Published in Illinois Register:
 March 14, 1997 21 Ill. Reg. 3081

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Difference(s) between proposal and final version:

In line 4, struck "BOARD" and added "BOARDS"; deleted "THE UNIVERSITY OF"; and added "PUBLIC UNIVERSITIES" after "ILLINOIS".

In line 6, changed "STATE" to "ILLINOIS PUBLIC"

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- In line 227, add "the Taxpayers Identification Number (TIN), also known as" after "as well as".

- In lines 228, added " , or Social Security Number" after "(FEIN)".

- In lines 430, 447, 454-455, 458 and 463, deleted "rules", struck "the Department's" and added "44 Ill. Adm. Code 750.150".

- In line 450, deleted "rules" and added "44 Ill. Adm. Code 750.150".

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will this rulemaking replace an emergency rule currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rulemaking: These procurement and bidding regulations had not been amended since 1989 and no longer reflected current State law or business practices. These adopted amendments update these regulations so they comport with State law and the business practices at the State colleges and universities.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Robert C. Baker
 Director of IPHEC Purchasing
 Universities of Illinois at Urbana-Champaign
 Purchasing Division
 506 S. Wright St., Rm. 207
 Urbana, IL 61801
 217-333-3582
 Fax: 217-244-7879
 E-MAIL: rbaker@uiuc.edu

The full text of the Adopted Amendment begins on the next page:

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TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND

PROPERTY MANAGEMENT

SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES

CHAPTER II: BOARDS BOARD OF TRUSTEES OF ILLINOIS PUBLIC
UNIVERSITIES REGENTS

PART 525

JOINT RULES OF THE ILLINOIS PUBLIC UNIVERSITIES THE-BOARD-OF-REGENTS,-THEBOARD-OFGOVERNORS-OFSTATE-COLLEGES-AND-UNIVERSITIES,-THE-BOARDOF-TRUSTEES-OF-THE-UNIVERSITY-OFILLINOIS,-AND-THE-BOARD-OF-TRUSTEES-OFSOUTHERN-ILLINOIS-UNIVERSITY:PROCUREMENT AND BIDDING

SUBPART A: AUTHORITY AND DEFINITIONS

Section

525.5 Preamble (Repealed)

525.10 Authority

525.20 Definitions

SUBPART B: METHODS OF PROCUREMENT

Section

525.50 General

525.60 Procedures for Source Selection

525.70 How Competition is Bids-are Solicited by the University

SUBPART C: ELIGIBILITY TO BID

Section

525.100 Bidders List for Contracts

525.110 Removal from Bidders List or Suspension

525.200 How Bids are Solicited by the University (Renumbered)

SUBPART D: SUBMISSION OF BIDS

Section

525.300 University Sealed Bid Form

525.310 Types of Bids (Repealed)

525.320 Contents of Bids

525.330 How to Submit Bids

525.340 Bid Security

525.350 Submission of Samples

SUBPART E: HANDLING OF BIDS

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Handling of Sealed Bids

525.400 Handling of Open Bids and Sealed Proposals

SUBPART F: AWARDING OF CONTRACTS

Section

525.500 Standards for Awarding Contracts

525.510 Rejection of Bids

525.520 Binding Contract with the University

525.530 Supplementary Purchases

525.540 Negotiation of After Award

SUBPART G: PERFORMANCE BY SUCCESSFUL BIDDER

Section

525.600 Performance and Payment Bond

525.610 Insurance Requirements

525.620 Deliveries Under the Contract

525.630 Inspection

525.640 Assignments by Successful Bidder

525.650 Cancellation of Contract by the University and Compensation for
Damages

525.660 Billing Procedures

525.670 Construction Contracts

SUBPART H: OTHER PROCEDURES

Section

525.700 Competitive Selection Procedures Bidding Not Required

525.710 Procedures for Appeal

525.720 Solicitations for Sale to the University (Repealed)

AUTHORITY: Implementing and authorized by the Illinois Purchasing Act [30 ILCS 505].

SOURCE: Filed June 10, 1975; amended at 7 Ill. Reg. 7100, effective June 1, 1983; codified at 8 Ill. Reg. 19827; amended at 13 Ill. Reg. 16510, effective October 10, 1989; amended at 21 Ill. Reg. 16418, effective 10/1/91.

SUBPART A: AUTHORITY AND DEFINITIONS

Section 525.10 Authority

This Part is promulgated by the following governing Boards of the State of Illinois: the Board of Trustees of the University of Illinois, the Board of Trustees of Southern Illinois University, the Board of Trustees of

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Eastern Illinois University, the Board of Trustees of Western Illinois University, the Board of Trustees of Governors State University, the Board of Trustees of Northeastern Illinois University, the Board of Trustees of Chicago State University, the Board of Trustees of Northern Illinois University, and the Board of Trustees of Illinois State University ~~Board of Governors of State Colleges and Board of Regents of Regency Universities~~ (hereinafter sometimes referred to individually as "University" and collectively as "State Systems Universities") in accordance with the provisions of the Illinois Purchasing Act (the Act) [30 ILCS 505]. ~~111--Rev--Stat--1987 ch--127--par--121--et--seq--7~~ This Part may be amended in accordance with the Illinois Administrative Procedure Act [5 ILCS 100]. ~~111--Rev--Stat--1991--ch--127--par--1001--i--et--seq--7~~

(Source: Amended at 21 Ill. Reg. 64123, effective _____)

Section 525.20 Definitions

Bid. "Bid" shall mean an offer to contract with the University.

Bid information. "Bid information" shall be the material or requirements supplied to prospective bidders by a University to enable them to bid on proposed University contracts.

Bidder. "Bidder" means any person who submits a bid for a contract with the University.

Cash discount. "Cash discount" is a discount or an allowance deductible from the total amount of the invoice for payment within a specified number of days.

Contractor. "Contractor" shall mean a bidder whose bid has been accepted by the University.

F.O.B. "F.O.B." shall mean free on board.

Person. "Person" means and includes any individual, firm, partnership, corporation, association or other entity.

Purchasing official. "Purchasing official" means the person or persons to whom the governing Board of the respective University has delegated the authority to take the action specified.

Quantity discount. "Quantity discount" is a discount allowed by the bidder for specified quantities of the item.

Trade discount. "Trade discount" is a special discount allowed by the bidder to special classes of purchases.

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University. "University" shall mean a governing Board identified in Section 525.10 of this Part, or its authorized representative, which issues bid information relating to a particular transaction.

(Source: Amended at 21 Ill. Reg. 64123, effective _____)

SUBPART B: METHODS OF PROCUREMENT

Section 525.50 General

The principles of competitive ~~bidding~~ and economical procurement practice shall apply to all purchases and contracts by or for the State ~~Systems~~ Universities in Illinois, except as otherwise provided by law or this Part.

a) A competitive procurement is one in which more than one potential vendor is contacted, given information describing the University's needs and any conditions that must be observed, and asked to respond with a priced quotation to meet those needs and conditions. Such information will be evaluated with the intent of selecting the vendor whose goods or services best meet the needs of the University, price and other factors being considered.

b) Except for those procurements identified in Section 525.700 of this Part which are exempt from the use of competitive procurement procedures, awards are to be made to the lowest responsible bidder meeting needs and conditions.

c) Any of the procedures described in Section 525.60 of this Part, except negotiation with one vendor, are examples of competitive procedures and may be used to conduct competitive procurements.

(Source: Amended at 21 Ill. Reg. 64123, effective _____)

Section 525.60 Procedures for Source Selection

a) Sealed Bids: ~~Sealed bids will be requested if the proposed contract is estimated to be \$5,000 or more except in those instances otherwise authorized by law or this Part.~~ Sealed bids must be in writing and will be opened publicly on a designated day and hour, except as otherwise provided herein.

b) Open Bids: ~~For contracts estimated to be less than \$5,000 or when otherwise authorized by law, open bids may be requested.~~ Open bids shall be made by the bidder in the manner specified in the bid information.

c) Sealed Proposals: This method may be used when specifications do not provide a basis for an award based solely on price or when features are difficult to compare directly. Sealed proposals will be submitted in writing in the manner specified in the bid information ~~in writing and will be submitted in accordance with specified criteria~~ and will

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be evaluated on the basis of specific such criteria considering price and other factors.

d) Negotiation: When a competitive procedure bid--or--proposal is not required by the Act or this Part and when it is determined that a negotiated procurement is more practicable or will result in advantage to the University, negotiations may be conducted with one or more vendors. (For example, a negotiated procurement is considered to be practicable when the purchasing official determines based upon knowledge knowledge of market conditions, that the time and expense required to conduct such negotiations will be economically advantageous in terms of the expenditure of time and University resources.) Award will be made to the vendor best meeting the University's needs.

(Source: Amended at 21 Ill. Reg. 6415, effective _____)

Section 525.70 How Competition is Bids are Solicited by the University

a) Newspaper advertisements. The Except-as-exempted-by--the--Act--the University shall will advertise for sealed bids and sealed proposals in the official newspaper of the State of Illinois bids when purchasing services, commodities or equipment using competitive selection procedures with-an-estimated-value-of-\$57,000-or-more. The advertisement will give full details as to where additional information can be obtained and the time and place of the bid opening. the--advertisement--will--appear--in--the--official--State--newspaper--except that--in--the--case--of--repair--and--maintenance--work--estimated--at--more than--\$57,000--but--not--exceeding--\$10,000--the--advertisement--will appear--in--a--local--newspaper--selected--by--the--purchasing--official.

- b) Bid information.
- 1) When the University intends to purchase services, commodities or equipment, it will send out bid information to those persons who are on the appropriate bidders list and to any other persons identified to the purchasing official as a prospective bidder, except in the following cases.
 - A) When the bidder does not sell the particular service, commodity or equipment.
 - B) When competitive selection procedures are bidding-is not required by the Act.
 - 2) The bid information will include:
 - A) Specifications or descriptions.
 - B) Quantity.
 - C) Any installation, maintenance or repair service to be provided.
 - D) Delivery requirements or date for completion of services.
 - E) Any other terms or conditions which the University may require bidders to meet.

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3) Bid information normally will be mailed, except that, in unusual circumstances, it may be communicated by telephone or in electronically transmitted form. For example, unusual circumstances are those that would prevent a bidder from hand carrying or mailing the original copy of the bid information in time for it to be received prior to the bid opening deadline.

(Source: Amended at 21 Ill. Reg. 6415, effective _____)

SUBPART C: ELIGIBILITY TO BID

Section 525.100 Bidders List for Contracts

a) How to apply to be placed on bidders list. Bidders lists are maintained for various service, commodity and equipment classifications. To be have-its-name included on a bidders list, a person should submit a request to the purchasing official indicating the types of services, commodities or equipment for which bid information is requested on-which-it-is-interested-in-bidding.

b) Application to be filled out.

- 1) An applicant will be required to provide information concerning its form of organization and bank references, and may be required to provide sources of supply or other information to determine its responsibility and capability. An applicant may be required to furnish this information depending When-this-information-would be-required-would-depend upon the type of purchase contract and amount of information already available as to the capabilities and responsibility of the firm in question. The current Illinois Department of Human Rights (DHR) identification number is to be provided, as well as the Taxpayers Identification Number (TIN), also known as the Federal Employer Identification Number (FEIN), or Social Security Number.
- 2) The applicant must disclose in its application the name of each individual having a beneficial interest of more than 7 1/2% in the bidding enterprise and each individual who, together with his spouse or minor children, has a beneficial interest of more than 1% in the bidding enterprise and, if the applicant is a corporation, the names of all its officers and directors. The applicant shall notify the University of any changes in its ownership or officers at the time the change occurs.
- 3) Applicants who are minorities, females, or persons with disabilities are encouraged to identify their status for certification purposes under the Business Enterprise for Minorities, Females, and Persons with Disabilities Act.
- c) Addition of name to list. Upon submission to the purchasing official of a completed application, the applicant's name will be placed on the active bidders list for the service, commodity or equipment

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classification requested. The purchasing official will give specific reasons for any applications which are not accepted. Bid information will be sent to those persons appearing on the bidders list. The sending of such information does not constitute a final or conclusive determination as to the responsibility and capability of such bidder. The bidder's qualifications and responsibility will be subject to continuous review.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 525.110 Removal from Bidders List or Suspension

- a) Removal from bidders list or suspension. The University may remove any bidder from a bidders list or suspend the bidder from bidding for a specified period of time, not to exceed one year. The bidder will be given due notice of such removal or suspension action and the reasons therefore. Appeal procedures are specified in Section 525.710 of this Part.
- b) Cause for removal or suspension. The following, without excluding others of like or different nature, shall be sufficient grounds for such removal or suspension:
 - 1) Delivery of commodities, equipment or services which do not comply with the specifications.
 - 2) Failure to make delivery or to complete a construction project in the time specified in the contract or purchase order.
 - 3) Failure to keep offer firm for length of time specified.
 - 4) Failure to provide any required performance or payment bonds.
 - 5) Collusion with other bidders or prospective bidders.
 - 6) Bankruptcy or other evidence of lack of responsibility.
 - 7) Failure to perform in accordance with an award.
 - 8) Failure to make equitable adjustments or replacement of damaged goods.

- 9) Failure to honor warranties or guarantees.

- 10) Giving false or misleading information.

- 11) Any action constituting violation of State of Illinois or Federal laws or regulations, including noncompliance with the Illinois Human Rights Act [775 ILCS 5] (Ill. Rev. Stat. 1987-ch. 68-par. 1-101-et-seq.) or with Department of Human Rights rules for public contracts (44 Ill. Adm Code 750).

- 12) Two ~~per~~ two consecutive failures to respond (either with a bid or an indication of "no bid") to bid information.

- 13) Determination of insufficient financial capability to perform a contract or any other facts causing substantial doubt as to whether the bidder can be relied upon to fulfill obligations under any contract awarded. For example, one standard is the ability of the vendor to provide specified financial documents such as insurance, performance bond, and payment bond all in the

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full amount of the contract.

- 14) Any other violation of this Part.

c) Reinstatement. After receipt of a notice of removal or suspension, a bidder may submit in writing an explanation of the circumstances which were the cause of the removal or suspension and prove that such circumstances have been corrected. On the basis of such proof, the University may modify or rescind the removal or suspension.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART D: SUBMISSION OF BIDS

Section 525.300 University Sealed Bid Form

- a) Uniformity. When a sealed bid is required by the bid information to provide uniformity and to facilitate comparison of bids by the University, the bidders and interested members of the public, only bids submitted on the sealed bid form specified by the University will be acceptable. The University reserves the right to waive minor variances or irregularities.
- b) Use of typewriter or ink. Every sealed bid should ~~shall~~ be typewritten or written in ink. The bid must be signed by the person submitting the bid or the person's duly authorized agent. The signature should ~~shall~~ be in ink and the name and title of each person signing the bid should ~~shall~~ be typed or printed below the signature.
- c) Bids by telephone or in electronically transmitted form. ~~The in unusual-circumstances, the University may agree to receive bids by telephone or in electronically transmitted form. Written confirmation of the sealed bid shall be mailed or delivered by the bidder on the same day.~~

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 525.320 Contents of Bids

- a) Completeness of Bids. The bid will include all matters required by the bid information. All appropriate blanks in the bid form must be completed by the bidder.
- b) Reference specifications. Any specifications or standards adopted by business, industry, not-for-profit organization, or governmental unit may be incorporated by reference.
- c) Brand name or equal. Specifications may refer to one or more brand name products followed by the words "or equal." "Or equal" submissions will not be rejected because of minor differences in design, construction, or features which do not affect the suitability of the product for its intended use. The burden of proof that the

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product is equal for the intended use is on the bidder.

d) Brand name only. Brand name alone may be specified in order to fill medical prescription needs or to stock University retail-type operations.

e) Items must be new and current. Unless otherwise specified, the items offered must all be new and the latest model, crop or manufacture.

f) Bids on alternate items. When any bidder offers an alternate item for consideration, the bidder will give complete specifications, name the brand and demonstrate that the alternate item is equal. The University reserves the right to reject any alternate item which it determines is not equally suitable for the specified purpose. The burden of proof is on the bidder.

g) Unit and total prices. The price for the units specified in the bid shall be clearly shown for each individual item. Only one unit price shall be quoted for each item. The total price for the quantity requested must also be shown.

h) Period of firm bid. Unless otherwise provided in the bid information, the price of each bid must be kept firm for at least 60 days after the bid opening date. A bidder may specify the price will remain firm for a longer period than required by the bid information or this rule. If the bidder has not specified an expiration date for the price, the price will continue to remain firm until the bidder gives notice of intent to terminate the price. After such notice the University will have 10 days to accept the bid at the original bid price.

i) Maintenance and repair service. If the bid information specifies that maintenance or repair service must be provided by the successful bidder, each bidder will specify in the bid whether the service will be provided by the bidder or through an arrangement with another identified person or firm.

j) Taxes, licenses, assessments, and royalties.

1) The contractor shall pay all current and applicable city, county, state and federal taxes, licenses or assessments, including federal excise taxes, due on the performance of the contract, including, without thereby limiting the foregoing, those required by the Federal Insurance Contribution Act and the Federal and State Unemployment Tax Acts, together with all royalties due for any proprietary items. The contractor is exclusively liable for the payment of the taxes to the respective governments. In the event said taxes, licenses, assessments or royalties, or any part thereof are in the first instance charged to the University, the contractor shall, upon timely demand of the University, pay the University the amount thereof, plus all penalties which may have accrued thereon.

2) The University is exempted by Section 3 of the Use Tax Act [35 ILCS 105/3] ~~{iii-Rev-Stat-1987--ch--1207--par--499-3}~~ from paying any of the taxes imposed by that Act, and sales to the University are exempt by Section 2 of the Retailers' Occupation Tax Act [35 ILCS 120/2] ~~{iii-Rev-Stat-1987--ch--1207--par-411}~~

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from any of the taxes imposed by that Act. The Department of Revenue of the State of Illinois under Rule No. 15, issued August 9, 1961, has declared that sales of materials to construction contractors for conversion into real estate for schools or charities are not taxable retail sales. The purchasing official will furnish the vendor with an exemption certification statement upon request.

k) Federal excise tax. Bidders must not include in their prices any allowance for payment of federal excise tax, if the University is exempt from such taxes. If an order or contract is awarded for the purchase of an item that is subject to federal excise tax, the purchasing official will furnish the vendor with an exemption certificate upon request.

l) State and federal laws and university rules. All bids and contracts are subject to this Part and to applicable federal laws and those of the State of Illinois, particularly the Illinois Purchasing Act, conflict of interest statutes, nondiscriminatory employment statutes and equal employment opportunity laws. A certification is required in certain instances, and the form of this certification may be provided in the bid form. (See also subsection (p) of this Section.)

m) Equal employment opportunity. A successful bidder awarded an order or contract agrees as follows. In the event of the contractor's non-compliance with the provisions of this Equal Employment Opportunity Clause, the Illinois Human Rights Act or the Rules and Regulations of the Illinois Department of Human Rights ("Department"), the contractor may be declared ineligible for future contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations, and the contract may be cancelled or voided in whole or in part, and such other sanctions or penalties may be imposed or remedies invoked as provided by statute or regulations. During the performance of this contract, the contractor agrees as follows:

1) That it will not discriminate against any employee or applicant for employment because of race, color, religion, sex, marital status, national origin or ancestry, age, physical or mental handicap unrelated to ability, military status, or an unfavorable discharge from military service; and further that it will examine all job classifications to determine if minority persons or women are under utilized and will take appropriate affirmative action to rectify any such under utilization.

2) That, if it hires additional employees in order to perform this contract or any portion thereof, it will determine the availability (in accordance with 44 Ill. Adm. Code 750.150 the Department's Rules) of minorities and women in the area(s) from which it may reasonably recruit and it will hire for each job classification for which employees are hired in such a way that minorities and women are not under utilized.

3) That, in all solicitations or advertisements for employees placed

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by it or on its behalf, it will state that all applicants will be afforded equal opportunity without discrimination because of race, color, religion, sex marital status, national origin or ancestry, age, physical or mental handicap unrelated to ability, military status, or an unfavorable discharge from military service.

- 4) That it will send to each labor organization or representative of workers with which it has or is bound by a collective bargaining or other agreement or understanding, a notice advising such labor organization or representative of the contractor's obligations under the Illinois Human Rights Act and 44 Ill. Adm. Code 750.150 the-Department's-Rules. If any such labor organization or representative fails or refuses to cooperate with the contractor in its efforts to comply with such Act and 44 Ill. Adm. Code 750.150 Rules, the contractor will promptly so notify the Department and the contracting agency and will recruit employees from other sources when necessary to fulfill its obligations thereunder.
- 5) That it will submit reports as required by the-Department's 44 Ill. Adm. Code 750.150 Rules, furnish all relevant information as may from time to time be requested by the Department and the contracting agency, and in all respects comply with the Illinois Human Rights Act and 44 Ill. Adm. Code 750.150 the-Department's Rules.
- 6) That it will permit access to all relevant books, records, accounts and work sites by personnel of the contracting agency and the Department for purposes of investigation to ascertain compliance with the Illinois Human Rights Act and 44 Ill. Adm. Code 750.150 the-Department's-Rules.
- 7) That it will include verbatim or by reference the provisions of this clause in every subcontract it awards under which any portion of the contract obligations are undertaken or assumed, so that such provisions will be binding upon such subcontractor. In the same manner as with other provisions of this contract, the contractor will be liable for compliance with applicable provisions of this clause by such subcontractors; and further it will promptly notify the contracting agency and the Department in the event any subcontractor fails or refuses to comply therewith. In addition, the contractor will not utilize any subcontractor declared by the Illinois Human Rights Commission to be ineligible for contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations.
- n) Compliance with laws, regulations, and labor and employment provisions.
The contractor agrees to comply with all laws, statutes, regulations, ordinances, ruling or enactments of any governmental authority that are applicable to the work or which in any way pertain to the project, including, but not limited to without-limiting-the-foregoing-thereto,

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the following statutes:

- 1) Employment of Illinois Workers on Public Works Act [30 ILCS 570].
AN-AG-to-give-preference-in-the-construction-of-public-works-projects-and-improvements-to-citizens-of-the-United-States-who-have-resided-in-Illinois-for-one-year-(III-Rev-Stat-1987-ch-487-pars-269-et-seq-7)
- 2) Veterans Preference Act AN-AG-to-give-preference-to-veterans-of-the-United-States-military-and-naval-service-in-appointments-and-employment-upon-public-works-by-or-for-the-use-of-the-State-or-its-political-subdivisions [330 ILCS 55] (III-Rev-Stat-1987-ch-126-172-pars-29-et-seq-7)
- 3) Public Works Employment Discrimination Act AN-AG-to-prohibit-discrimination-and-intimidation-on-account-of-race-creed-color-sex-religion-physical-or-mental-handicap-unrelated-to-ability-or-national-origin-in-employment-under-contracts-for-public-buildings-or-public-works [775 ILCS 10] (III-Rev-Stat-1987-ch-297-pars-17-et-seq-7)
- 4) Prevailing Wage Act AN-AG-regulating-wages-of-laborer-mechanics-and-other-workers-employed-in-any-public-works-by-the-State-county-city-or-any-public-body-or-any-political-subdivision-or-by-anyone-under-contract-for-public-works [820 ILCS 130] (III-Rev-Stat-1987-ch-48-pars-398-et-seq-7)
- o) Federally financed purchases. For purchases financed in whole or in part by United States Government funds, the contractor and each subcontractor shall comply with the following statutes (and with regulations issued pursuant thereto, which are incorporated herein by reference):
 - 1) 18 U.S.C. 874 Prohibition of kickback from public works employees.
 - 2) 40 U.S.C. 276(c) Requiring filing of weekly statements of wages paid.
 - 3) By signing and submitting its bid, the bidder will be deemed to have signed and agreed to the provisions of the Certification of Nonsegregated Facilities, and certification of compliance with Title IX of the Education Amendments of 1972 (20 U.S.C. 1681, 1682, 1683, and 1685).
 - 4) Copeland Regulations 29 CFR 3.
 - 5) Section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1974 requiring affirmative action to employ and advance in employment qualified disabled veterans and veterans of the Vietnam Era (38 U.S.C. 4212 2012).
 - 6) Section 503 of the Rehabilitation Act of 1973 requiring affirmative action to employ and advance in employment qualified handicapped individuals (29 U.S.C. 793).
 - 7) Federal Executive Orders 11246 and 11375 requiring affirmative action and equal opportunity in employment for all persons without regard to race, color, religion, sex or national origin.
- p) Provisions required by law deemed inserted. Each and every provision

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of law and clause required by law to be inserted in any order or contract shall be deemed to be inserted therein; and the order or contract shall be read and enforced as though it were included therein; and if, through mistake or otherwise, any such provision is not inserted or is not correctly inserted, then upon the application of either party the contract shall forthwith be physically amended to make such insertion or correction.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 525.330 How to Submit Bids

a) Special envelope for sealed bids. A special envelope will be furnished for return of a sealed bid. The envelope containing the bid will show the following information on the outside:

- 1) Address to which the bid is to be mailed or delivered.
 - 2) Date and time of the bid opening.
 - 3) Requisition or bid number or other project identification.
 - 4) Firm name and address of bidder.
- b) Where to submit bids. All bids must be submitted to the office at the address specified in the bid information.
- c) When to submit bids. Bid information will state the place, date and hour of opening of bids and the latest date for receipt of bids by the purchasing official.

d) Modification or withdrawal of bids. A bidder may withdraw or modify a bid if notice of the withdrawal or modification is received by the purchasing official before the latest time specified for receipt of bids. Any such modification or withdrawal, however, must be made by letter and received by the purchasing official prior to the scheduled bid opening. When time is of the essence, the purchasing official may agree to receive modifications or withdrawals by printed form conveyed electronically or by telephone. An originally signed written confirmation of the telephone or electronically conveyed modification or withdrawal shall be mailed or delivered by the bidder on the same day. Withdrawal of bids after bid opening will not ordinarily be permitted; however, in those cases where, in the judgment of the University based on clear and demonstrable evidence, the bidder has made a bona fide error in the preparation of the bid and such error will result in a substantial loss to the bidder, an exception may be made.

e) Late bids. No bids received after the time specified in the bid information will be considered. It is the bidder's responsibility to see that the bid is delivered at the time and place specified. All bids received after the specified time will be marked "Received too late for consideration", signed by the purchasing official and returned unopened.

f) Eligibility of bidders. No person shall be eligible to bid on a

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contract, except for those procurements exempt from competitive selection procedures identified in Section 525.700 of this Part, of \$57,000--or--more unless such person--prior-to-bid-opening has complied with the rules of the Illinois Department of Human Rights concerning eligibility of bidders.

- g) Bid reservations. The University reserves the right to reject any or all bids or any part thereof, to waive informalities and to accept the bids deemed to be in the best interest of the University (such as, the lowest priced responsive bid).

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART E: HANDLING OF BIDS

Section 525.400 Handling of Sealed Bids

- a) Formal bid opening. All sealed bids will be opened, the bids read aloud and names of the bidders recorded at the place and time specified. The bid opening will be conducted by the Purchasing official or designated representatives.
- b) Bidders may be present. The bidder or representative or any other interested party may be present at any bid opening.
- c) Bid speaks for itself. If the person reading the bid makes an error, the figure given in the bid shall govern.
- d) Recording of bids. When all bids have been opened and read, the persons conducting the bid opening will sign the following certification: "I hereby certify that the bids submitted by the bidders whose names are recorded above were opened, read and recorded at the place and time specified in the bid information."
- e) Prompt tabulation and award. All sealed bids are tabulated for comparison and awards made as soon as is practicable after the opening and recording of the bids.
- f) Public record of sealed bids. The record of bidders' names prepared at the bid opening and all the bids and tabulation sheets will be kept by the University in the office of the appropriate purchasing official for a period of not less than two years after the award is made and will be available for inspection after an award is made at reasonable hours by any interested person.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 525.410 Handling of Open Bids and Sealed Proposals

Open bids and sealed proposals will be examined and the award made as soon as is practicable after the time specified for submission of the bids and sealed proposals. All bids, proposals, and tabulation sheets (if any) will be kept by

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the University ~~in--the--office--of--the--appropriate--Purchasing--Official~~ for at least two years after the award is made and will be available for inspection after an award is made at reasonable hours by any interested person.

(Source: Amended at 21 Ill. Reg. ~~6-2-80~~, effective _____)

SUBPART F: AWARDING OF CONTRACTS

Section 525.500 Standards for Awarding Contracts

- a) Lowest and best bid. The awards will be made to the lowest bidder, considering price, responsibility and capability of bidder, availability of funds and all other relevant factors, provided the bid meets the specifications and other requirements of the bid information. The standards followed in determining which is the lowest and best bid are outlined below.
 - b) Cash discounts. In determining the lowest bid, cash discounts, when stated separately, will be taken into account, unless stated otherwise in the bid information.
 - c) Trade and quantity discounts. Trade and quantity discounts may be indicated, but should always be deducted by the bidder in calculating the unit price quoted.
 - d) Illinois sales, service and use tax. Bidder should not include Retailers' Occupation Tax, Use Tax or Federal Tax in the quotation. Receipts from sales to the University are normally exempt from these taxes.
 - e) Unit price governs. In case of a mistake in the extension of a price, the unit price will govern unless otherwise stated in the bid information.
 - f) Awards of any or all items. An award may be made to the lowest aggregate bidder for all items or on an individual item basis unless otherwise stated in the bid information. If a split award is not acceptable to a bidder, it must be so stated in the bid.
 - g) Costs. Projected delivery, installation, and operational costs of equipment may be considered.
 - h) Guarantees and warranties. Terms and conditions of bidders' and manufacturers' guarantees and warranties will be considered in the evaluation of bids.
 - i) An otherwise qualified bidder who will fulfill the contract through the use of products made of recycled materials may be given, on a pilot basis or pursuant to a pilot study, preference over other contractors unable to do so, provided that the cost included in the proposal of products made of recycled materials is not more than 10% greater than the cost of such products not made of recycled materials.
- j)†† Repair and service requirements. The bidder's or manufacturer's ability to meet specified repair and service requirements may be used in evaluating bids.

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k)†† Tie bids. If two or more bids meeting the specifications and other requirements of the bid information are tied for low price, the bids will be treated as follows:

- 1) If there is a significant difference in the responsibility of the bidders (including ability to deliver in the quantity and at the time required), the award will be made to the bidder who is deemed to be the most responsible.
- 2) If there is no significant difference in the responsibility of the bidders, but there is a difference in the quality of the commodities or services offered, the bid offering the best quality or services will be accepted.
- 3) If there is no significant difference in the responsibility of the bidders and no difference in the quality of the items and service offered, the bid offering the earliest delivery time will be accepted in any case in which the bid information specified that the needs of the University require as early delivery as possible. In all other cases, delivery time will not be considered in making awards so long as the bidder states delivery will occur not later than the time specified in the bid information as the latest acceptable delivery time.
- 4) If all else is equal, preference will be given to resident bidders, as defined in subsection (1) †† below. Preference among resident bidders may be given to the resident bidders offering commodities or equipment grown or produced in Illinois.
- 5) If the bids quoting the same price are equal in every respect, the award may be split or made by lot.

l)†† Resident bidder.

- 1) When a public contract is to be awarded to the lowest responsible bidder, a resident bidder must be allowed a preference as against a nonresident bidder from any state which gives or requires a preference to bidders from that state. The preference is to be equal to the preference given or required by the state of the nonresident bidder.
- 2) "Resident bidder" means a person authorized to transact business in this State and having a bona fide establishment for transacting business within this State at which it was actually transacting business on the date when any bid for a public contract is first advertised or announced, including a foreign corporation duly authorized to transact business in this State which has a bona fide establishment for transacting business within this State at which it was actually transacting business on the date when any bid for a public contract is first advertised or announced.
- 3) Subsections (1)(1) and (2) above ~~do~~ not apply to any contract for any project for which Federal funds are available for expenditure when such paragraphs may be in conflict with Federal law or Federal regulation.

m)†† Ownership. The bidder for a contract involving an expenditure

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subject to competitive selection procedures, except for those categories exempted from competition under Section 525.700 of this part, of \$57,000 or more shall file or have on file with the University a disclosure statement naming each individual having a beneficial interest of more than 7 1/2% in the bidding enterprise and each individual who, together with his spouse or minor children, has a beneficial interest of more than 15% in the bidding enterprise and, if the bidder is a corporation, the names of all of its officers and directors, in compliance with Section 6-1 of the Act-as-amended.

n) Contract renewal option. Certain bids may be solicited and contracts issued with renewal clauses to bind the contractor to a renewal period at the sole option of the University. In such cases, bidders will be asked to bid a firm price to be applicable during the renewal period, if the University chooses to renew, or, in the alternative, to bid prices geared to pertinent commodity price indexes to be applicable in renewal periods, if the University chooses to renew. In all cases where the renewal option is involved, the bid information will state that the University reserves the right to renew the contract, if awarded, in accord with prices (firm or geared to pertinent price indexes) included in bids received and that renewal on such terms is at its sole option.

(Source: Amended at 21 Ill. Reg. 0433, effective

Section 525.510 Rejection of Bids

a) Nonresponsive bids. Any bid which does not meet the requirements of the bid information or does not comply with this part may be rejected.

b) Alterations and erasures. Bids containing any material alteration or erasure may be rejected, unless the change is initiated by the bidder.

c) Responsibility of the bidder.

1) The purchasing official may at any time make a supplementary investigation as to the responsibility or qualification of any bidder, even though the bidder is on a bidders list. This may include investigation of financial responsibility, insurability, effective equal opportunity compliance, capacity to produce or sources of supply, performance record in the business or industry, ability to provide required maintenance service and other matters relating to the bidder's probable ability to deliver in the quality, quantity and within the time required under the contract, if it is awarded to the bidder. The purchasing official may require the submission of written statements from the bidder or other persons concerning any such matters.

2) If the University concludes that a particular bidder appears not to be sufficiently responsible to assure adequate performance on a contract, the bid will be rejected.

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3) If, in the judgment of the University, there is some question about the responsibility of the low bidder but the University would be adequately protected by the filing of a performance or payment bonds or both (or the deposit of a certified or cashier's check, if approved by the University) as security for performance, it may require the low bidder to file such bonds (or deposit such a check), even though not required by the bid information, and, upon the filing of the bond (or deposit of the check), may make the award. Such bond(s) shall be filed within a specified number of days.

d) Conflicts of interest. Any bid, the acceptance of which would result in any of the following prohibited types of contracts, will be subject to rejection.

1) It is unlawful for any member of the General Assembly to be interested, directly or indirectly, in any State contract authorized by any law (including any appropriations statute) passed during the term for which the member was elected, provided, however, that any contract made prior to the knowledge election and completed within six months after the member takes office is valid.

2) The laws of the State of Illinois provided that no elective State officer or member of the General Assembly or any person employed in any of the offices of the State Government or the wife, husband or minor child of any such person shall have, acquire, obtain or hold any contract which will be wholly or partly satisfied by the payment of funds appropriated by the General Assembly of the State of Illinois, nor shall any such person have, acquire, obtain or hold any direct pecuniary interest in any such contract.

3) In addition, the laws of the State of Illinois provide that it is unlawful for any firm, partnership, association or corporation from which any such person as described in subsection (d)(2) above shall be entitled by contract, stock ownership or otherwise to receive more than 7 1/2% percent of the total distributable income thereof, to have, acquire, obtain or hold any such contract or direct pecuniary interest therein.

4) In addition, the laws of the State of Illinois provide that it shall be unlawful for any firm, partnership, association or corporation from which any such person as described in subsection (d)(2) above, together with his or her wife or husband or minor child or children, or any of them shall by contract, stock ownership or otherwise be entitled to receive, in the aggregate, more than 15% percent of the total distributable income thereof, to have, acquire, obtain or hold any such contract or direct pecuniary interest therein.

5) In the examples listed under subsections (d)(1) through (4) above, the Governor may exempt named individuals as provided by Section 11.5 of the Illinois Purchasing Act [30 ILCS 505/11.5].

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6)5)7 No member of the University's governing Board shall be directly or indirectly interested in any contract to be made by the said Board for any purposes whatsoever.

7)16)7 No contract will be awarded to a University officer or employee or to a firm, partnership, association or corporation the owner or principal owners or major officers or primary employees of which are officers or employees of the University, unless such purchase or contract is deemed essential to University operations and is approved by the President of the University (or designee) and such approval is filed with the purchase order or contract.

8)17)7 No contract will be awarded to a member of the immediate family of an officer or employee of the University or to a firm, partnership, association or corporation the owner or principal owners or major officers or primary employees of which are members of the immediate family of officers or employees of the University, unless such purchase or contract is deemed beneficial to University operations and is approved by the President of the University (or designee) and such approval is filed with the purchase order or contract. Such contracts will be deemed beneficial to the University when necessary to the operational or academic or research needs of the University and only when economically procurable from the individual or firm in question.

e) Attempt to influence award.

1) No person on a bidders list or who submits a bid shall give or offer to give, directly or indirectly, any money, article or other valuable consideration to any officer or employee of the University for the purpose of influencing said officer or employee of the University.

2) If any person makes or offers to make a gift such as prohibited by subsection (e)(1) above, all bids submitted by the bidder will be rejected, and the bidder will be barred from further bidding for a period of time fixed by the University, not to exceed one year.

f) Collusive bids. If, in the judgment of the University, there is reasonable ground to believe that there is an agreement among bidders, or between them and prospective bidders, to restrain the bidding by establishing a fixed price or any other means, the bids will be rejected, and the bidder and prospective bidders will be barred from further bidding for a period of time not to exceed one year.

9) Identical bids. Two or more identical bids or indications of collusion in bidding shall be reported to the Illinois Attorney General.

h) Rejection of all bids. The University may reject all bids, and a notice shall be sent to all bidders by means of resolicitation of bids or to low bidder if there is to be no rebidding.

(Source: Amended at 21 Ill. Reg. 14107 effective

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Section 525.530 Supplementary Purchases

Supplementary purchases will be permitted under the following conditions: Conditions-on-which-permitted-

a) When the University issues an award after following the above bidding procedure, it may, at any time within ninety days thereafter, issue additional purchase orders or contracts to the same contractor or amendments to the original purchase order or contract for an additional quantity at the same unit price and on the same terms and conditions, if:

1) The contractor indicates that the additional purchase orders or contracts will be accepted if issued.

2) The market price of the commodities, services or equipment in question has not gone down since the original purchase.

3) The amount of the additional purchases is not of such magnitude as to constitute a substantial or material variation from the first purchase order or contract.

b) Notwithstanding the above, no amount of funds, in addition to those provided for in a contract for repairs, maintenance, remodeling, renovation or construction, may be obligated or expended unless the additional work to be performed or materials to be furnished are germane to the original contract. Even if germane to the original contract, no additional expenditures or obligations may, in their total combined amount, be in excess of the percentages of the original contract amount as provided in Section 9.02 of the Illinois Purchasing Act ~~as amended~~, unless they have received the prior written approval of the Capital Development Board.

(Source: Amended at 21 Ill. Reg. 14107, effective

Section 525.540 Negotiation of After Award

The University may negotiate ~~a no-charge--change--order~~ with the successful bidder incorporating prices, terms, and conditions ~~terms~~ better than originally bid provided the salient features of the goods or services are not diminished. Examples of ~~the~~ standards and circumstances which the University may ~~will~~ use to negotiate ~~include~~, but are not limited to, ~~a no-charge-change-order-are~~ when prices, terms or conditions from the low responsive and responsible bidder are better than those provided in the original bid, such as split deliveries, temporary storage of shipment, improved payment terms and change in delivery site.

(Source: Amended at 21 Ill. Reg. 14107, effective

SUBPART G: PERFORMANCE BY SUCCESSFUL BIDDER

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Section 525.600 Performance and Payment Bond

- a) May be required. The University shall have the right to require that the successful bidder file a Performance Bond or Payment Bond or both in a designated amount and written by a surety company acceptable to the University. It may be required that the bonds be filed within a specified number of days after the award is made, or the contract shall be cancelled and the contractor shall be liable for any damages. Bond costs shall be borne by the successful bidder, unless otherwise stated in the bid information.
- b) Amount. Such Performance and Payment Bonds may be required in any amount up to 100% of the amount of the contract, depending upon the nature of the transaction.
- c) Surety required. In addition to signing the bonds as principal, the successful bidder must have the bonds signed by a surety having a rating acceptable to the University, and authorized to do business in the State of Illinois. If the surety writing the bonds has its authority to do business in this State revoked or if for any reason it withdraws from doing business in this State, the bidder must promptly furnish substitute bond(s) written by a surety acceptable to the University.
- d) Condition of bond. Any such bond shall be conditioned on full performance of all obligations imposed on the bidder by the contract with the University. The bond(s) shall provide that, if the bidder fails to perform any of such obligations the University may recover from the bidder and the surety (or either of them) any and all damages suffered because of the breach of contract or failure to perform in accordance with the terms of the contract.
- e) Source of supply may also be required to file bonds. If the bidder does not have a stock of the commodity or equipment in question in the amount required or the nor facilities to produce the item in such amount, the University may, in addition, require the bidder to have the source of supply furnish a performance or payment Bond, or both written by a surety acceptable to the University, conditioned on such source supplying the bidder as required in the bid.

(Source: Amended at 21 Ill. Reg. 0413, effective _____)

Section 525.630 Inspection

- a) All deliveries subject to inspection. Any commodities or equipment that fails ~~fail~~ to perform in any respect, including failure:
 - 1) to meet the specifications,
 - 2) to conform to the vendor's samples, or
 - 3) to be in good condition when delivered,
 will be subject to rejection.
- b) Notice to contractor. Notice of any such rejection based on defects

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- that should be disclosed by ordinary methods of inspection will be given to the contractor within a reasonable time after delivery of the item. Notice of latent defects which would make the items unsuitable for the purpose for which they are required may be given by the purchasing official within a reasonable time after discovery.
- c) Contractor must remove rejected items. The contractor may be required to remove immediately, at its own expense, any items rejected by the University. If the contractor fails to remove the items, the University, at its option, may remove and store the items at contractor's expense or may sell them and remit the proceeds of the sale (less any expenses incurred as a result of default) to the contractor.
- d) Inspection at source. In some cases, the University may require that the contractor permit preliminary inspection of the commodities or equipment at the factory, plant or other establishment where they are produced or grown.
- e) Other rights of University. Nothing contained herein shall be construed to limit in any way rights the University may have under any law, including the Uniform Commercial Code [810 ILCS 5] ~~(444--Rev. Stat--1987--ch--26--pars--3-10--et--seq--)~~, applicable to any transaction covered by this Part.

(Source: Amended at 21 Ill. Reg. 0413, effective _____)

Section 525.670 Construction Contracts

- a) General procedures.

1) In the case of contracts for construction of buildings or for other construction work in or about buildings or grounds where the entire estimated cost of such work exceeds the amount stipulated by Section 6(a)(1) of the Illinois Purchasing Act [30 ILCS 505/6(a)-(1)], ~~\$25,000--(or such--larger--amount--as--may--be specified--by--law)--all~~ prospective bidders, as well as architects and engineers employed in connection with such projects, may ~~shall~~ be prequalified to determine their responsibility [for architects, engineers, and land surveyors, see the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act [30 ILCS 535]]. If the total estimated cost of such work exceeds the amount stipulated by Section 6(a)-(1) of the Illinois Purchasing Act ~~is--\$100,000--or--more~~, separate specifications ~~shall~~ will be prepared for all equipment, labor and materials in connection with the following five subdivisions of work to be performed:

- A) Plumbing.
- B) Heating, piping, refrigeration and automatic temperature control systems, including the testing and balancing of such systems.

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- C) Ventilating and distribution systems for conditioned air, including the testing and balancing of such systems.
 D) Electrical wiring.
 E) General Contract Work

2) Those specifications shall ~~will~~ be drawn so as to permit separate and independent competitive bidding upon each of the above five subdivisions of work. As used in this Section, "competitive bidding" means bidding in which bids are publicly solicited and opened, the terms and conditions of the solicitation and the bidding process apply equally to all bidders, and bids are awarded to the lowest responsive responsible bidder. All contracts awarded for any part thereof shall award the five subdivisions of such work separately to responsible and reliable persons, firms or corporations engaged in these classes of work. Such contracts, at the discretion of the University, may be assigned to the successful bidder on the general contract work or to the successful bidder on the subdivision of work designated by the University prior to bidding as the prime subdivision of work, with the provision that all payments will be made directly to the contractors for the five subdivisions of such work upon compliance with the conditions of the contract. Any contract may be let for one or more buildings in any project to the same contractor. Specifications shall require, however, that unless the buildings are identical, a separate price shall be submitted for each building. The contract may be awarded to the lowest responsible bidder for each or all of the buildings included in the specifications.

- b) Request for payment form furnished by University. To bill the University for remodeling, renovation or construction work done, the contractor must fill out the University Request for Payment form, when required.
- c) Certification by licensed architect or engineer. Any contract or remodeling, renovation or construction involving an expenditure in excess of the amount stipulated by Section 9 of the Illinois Purchasing Act [30 ILCS 505/9] \$57,800 shall be subject to the supervision of a licensed architect or engineer, and no payment shall be paid for such remodeling, renovation or construction unless the voucher for such work is accompanied by a written certificate of such licensed architect or engineer that the payment represents work satisfactorily completed, or labor, or materials incorporated in or stored at the site of such work.
- d) Periodic payments. When provided in the contract, periodic payments can be made during the course of such work upon a certificate of a licensed architect or engineer, indicating the proportionate amount of the total work completed satisfactorily.
- e) Retained percentage. When periodic payments are made, the University shall retain a fixed percentage, specified in the contract, to insure faithful completion of the contract.

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- f) Improvements to leased real estate. The procedures set forth in this Part shall apply, as appropriate, to contracts for improvements to real estate leased to the University.

(Source: Amended at 21 Ill. Reg. 4.1, effective _____)

SUBPART H: OTHER PROCEDURES

Section 525.700 Competitive Selection Procedures not Bidding-Not Required

In the following cases, the University may issue a purchase order directly, without following the competitive selection procedures procedure described in Sections 525.50 and 525.60 of this Part ~~above-relating-to-bids--advertisements for-bids-and-invitation-to-bid~~:

- a) Where the goods or services to be procured are economically procurable from only one source, such as contracts for local exchange telephone service, electrical energy and other public utility services, books, pamphlets and periodicals and specially designed business and research equipment and related supplies. Such items are examples of single source items and are not intended to be an exhaustive listing.
- b) Where the services required are for professional or artistic skills. For architects, engineers, and land surveyors, see the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act [30 ILCS 535].
- c) Emergencies ~~in-emergencies~~ involving public health, public safety, or where immediate expenditure is necessary for repairs to University property in order to protect against further loss of or damage to University property, to prevent or minimize serious disruption in University services or to insure the integrity of University records.
- d) Expenditures ~~in-case-of-expenditures~~ for personal services paid to employees or officers ~~offices~~ of a State agency.
- e) Contracts for repairs, maintenance, remodeling, renovation or construction of a single project involving an expenditure not to exceed the amount stipulated by Section 6(a)(5) of the Illinois Purchasing Act [30 ILCS 505/6(a)(5)] \$107,800 and not involving a change or increase in the size, type or extent of an existing facility ~~provided-that-where-an-expenditure-of-more-than-\$57,800-but-not-exceeding-\$107,800-is-involved-the-work-shall-be-advertised-for-bids-in-a-local-newspaper-in-an-effort-to-obtain-competitive-bids-based-on-a-standard-specification-acceptable-to-the-university-such contract-shall-be-awarded-to-the-lowest-responsible-bidder-considering conformity-with-specifications-terms-of-delivery-quality-and-serviceability~~.
- f) Contracts for repairs, maintenance or any other services not specifically exempt from a competitive selection procedure under the Illinois Purchasing Act ~~bidding~~ where individual orders ~~expenditures~~ for such services do not exceed the amount stipulated by Section

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6(a)(6) of the Illinois Purchasing Act [30 ILCS 505/6(a)(6)] \$5-000 for the same type of service at the same location for the University during any fiscal year, provided that, where a University occupies more than one location within any single county, the \$5,000 limitation shall apply in the aggregate to all locations within such county.

g) Purchases of commodities and equipment where individual orders are less than the amount stipulated by Section 6(a)(7) of the Illinois Purchasing Act [30 ILCS 505/6(a)(7)] \$5-000.

h) Where a contract for maintenance, or servicing of, or provision of repair parts for equipment is made with the manufacturer or authorized service agent of that equipment and where such maintenance, servicing or provision of parts can best be performed by the manufacturer or authorized services agent, or such contract would otherwise be advantageous to the State; but this does not apply to the five subdivisions of work applicable to construction contracts listed in Section 525.670 of this Part.

i) Where the goods or services are procured from another governmental agency. (This allows procurement from federal, state and local governmental units.)

j) Purchases and contracts for the use, purchase, delivery, movement or installation of data processing equipment and software or services and telecommunications and interconnect equipment, software and services.

k) Any contract for duplicating machines and supplies.

l) Any contract for the purchase of natural gas when the cost is less than that offered by a public utility.

m) Where court order or federal law, regulation or procurement practices prohibits or effectively prevents acquisition of the goods or services by competitive procurement bidding.

n) Other circumstances where permitted the Act.

o) Where the products and services are procured from any qualified not-for-profit agency for the severely handicapped which:

1) complies with Illinois laws governing private not-for-profit organizations,

2) is certified as a sheltered workshop by the Wage and Hour Division of the United States Department of Labor, and

3) meets the Illinois Department of Rehabilitation Services just standards for rehabilitation facilities.

p) Purchases from a qualified private business with a supported employment workforce as defined in Section 8.5 of the Illinois Purchasing Act [30 ILCS 505/8.5].

q) Purchases of and contracts for office equipment and associated supplies when such contracts provide for prices that are equal to or lower than Federal General Services Administration contracts and when such contracts or pricing result in economical advantage to the University.

(Source: Amended at 21 Ill. Reg. 0413, effective 3/1/87)

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Section 525.720 Solicitations for Sale to the University (Repealed)

Solicitors, canvassers and agents of every description are prohibited from canvassing on University property or in University buildings, except on official University business. All such solicitors, canvassers and agents making sales, research inquiries or solicitations of any kind shall be permitted on the University campus or in University buildings at the pleasure of the University. All solicitations must be cleared through the appropriate University official.

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Claims, Adjudication, Appeals and Hearings2) Code Citation: 56 Ill. Adm. Code 27203) Section Numbers:

2720.30 Adopted Action:
 2720.200 Amended Section
 2720.205 Amended Section
 2720.210 Amended Section
 2720.215 Amended Section
 2720.240 Amended Section
 2720.245 Amended Section
 2720.255 Amended Section
 2720.265 Amended Section

4) Statutory Authority: 820 ILCS 405/239, 409, 500, 604, 700, 701, 702, 703, 705, 706, 800, 801, 803, 804, 805, 1000, 1001, 1002, 1004, 1200, 1700, 1701, 2300, 2301, 2302, and 2304.5) Effective Date of the Amendment: July 7, 19976) Does this rulemaking contain an automatic repeal date? No7) Does this Rule contain an incorporation by reference? Yes8) Date filed in Agency's Principal Office: July 2, 1997.9) Notice of Proposal published in Illinois Register: April 4, 1997 at 21 Ill. Reg. 4105.10) Has JCAR issued a Statement of Objection to these Rules? No11) Difference between proposal and final version: In line 241, added "or at the Agency's main office at 401 S. State, Chicago, IL" after filed to provide that a file can be viewed at the Agency's main office in Downtown Chicago (in addition to the local office).

In line 355, Section 2720.240(a)(8) was added to allow for continuances when non-attorney representatives have conflicting hearings scheduled. This addition provides: "When, at the same time as the hearing before the Referee, a party's representative is scheduled to participate in another hearing before a Referee or Director's representative and no other reasonable accommodation can be made, on the condition that the representative notifies the Agency of the conflict no later than five working days after issuance of the hearing notice that should have made the conflict patently evident."

In line 466, at the end of Section 2720.255(e)(1), "Upon a party's

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request, the party shall be treated as not having appeared at the hearing before the Referee and a rehearing shall be granted if, in making the request, the party shows that, at the time of the hearing, the party's representative was participating in another hearing before a Referee or Director's representative, the conflict was not patently evident prior to the scheduled start of the party's hearing and no other reasonable accommodation could be made; except with respect to the facts required to be shown, the request must be consistent with all other provisions of subsection (e)." is added.

All of the other changes were those requested by JCAR.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
2720.1	Amendment	June 20, 1997 (21 Ill. Reg. 4105)
2720.112	New Section	June 20, 1997 (21 Ill. Reg. 4105)

15) Summary and purpose of the rules: The amendment to Section 2720.30 clarifies how the Referee will distinguish the changed portions of a corrected decision.

The amendment to Section 2720.200 sets forth what is required to file for an appeal. In particular, the amendment eliminates the requirement that an appeal specify the grounds for disagreement.

The amendment to Section 2720.205 clarifies that, if a continuance is needed due to an insufficient notice of the hearing, any further corrective action is limited to only the issue for which insufficient notice was given.

The amendment to Section 2720.210 clarifies the type of interpreter that must be furnished at an individual's own expense, so as to not violate the Americans with Disabilities Act. The rule also specifies that, for a telephone hearing, the file can be reviewed at both the local office and the Agency's main office in downtown Chicago and that the request for review must be done at least two days before the hearing.

This amendment establishes telephone hearings as the norm, with in-person hearings as the exception. Good cause for an in-person appearance by a party is set forth.

The change to Section 2720.240 sets forth an additional ground for

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allowing a continuance and sets a limit on the amount of time granted to continue a hearing.

The change in Section 2720.245 makes clear the situation that is not a bifurcated hearing. Some other technical changes are made.

The amendment to Section 2720.255 clarifies the responsibilities and consequences for parties' failure to appear and testify as requested and sets forth the standard for the reopening of the record and decision in a case of failure to appear. The amendment makes some technical changes in the procedural handling of reopened rulings. The rule also provides that, if a party or witness refuses to take an oath or affirmation, they will be considered not to have appeared at the hearing.

The amendment to Section 2720.265 allows for possible technological advances in the methods for recording the testimony at a hearing.

16) Information and Questions regarding these Adopted Amendments may be addressed to:

Gregory J. Ramel, Deputy Legal Counsel
Illinois Department of Employment Security
401 South State Street - 7 South
Chicago, Illinois 60605
312/793-4240

The Full Text of the Adopted Amendment(s) begin on the next page:

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TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER a: GENERAL PROVISIONS

PART 2720

CLAIMS, ADJUDICATION, APPEALS AND HEARINGS

SUBPART A: GENERAL PROVISIONS

Section	
2720.1	Definitions
2720.2	"Week" In Relation To "Benefit Year"
2720.3	Service Of Notices, Decisions, Orders
2720.5	Application For Electronic Data Transmission
2720.7	Computation Of Time
2720.10	Disqualification Of Adjudicator, Referee, Or Board Of Review
2720.15	Attorney Representation Of Claimants
2720.20	Form Of Papers Filed
2720.25	Correction Of Technical Errors
2720.30	

SUBPART B: APPLYING FOR UNEMPLOYMENT INSURANCE BENEFITS

Section
2720.100
2720.101

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2720.160 Reconsidered Findings Or Determination

SUBPART C: APPEALS TO REFEREE

Section
 2720.200 Filing Of Appeal
 2720.201 Application For Electronic Data Transmission Of Notice Of Hearing
 2720.205 Notice Of Hearing
 2720.210 Preparation For The Hearing
 2720.215 Format Of Hearings
 2720.220 Ex Parte (One Party Only) Communications
 2720.225 Subpoenas
 2720.227 Depositions
 2720.230 Consolidation Or Severance Of Proceedings
 2720.235 Withdrawal Of Appeal
 2720.240 Continuances
 2720.245 Conduct Of Hearing
 2720.250 Rules Of Evidence
 2720.255 Failure Of Party To Appear At The Scheduled Hearing
 2720.265 The Record
 2720.270 Referee's Decision
 2720.275 Labor Dispute Appeals
 2720.277 Prehearing Conference In Labor Dispute Appeal

SUBPART D: APPEALS TO THE BOARD OF REVIEW

Section
 2720.300 Filing Of Appeal
 2720.305 Notice Of Appeal
 2720.310 Request For Oral Argument
 2720.315 Submission Of Written Argument Or Request to Submit Additional Evidence
 2720.320 Access To Record
 2720.325 Withdrawal Of Appeal
 2720.330 Consolidation Or Severance Of Appeals
 2720.335 Decision Of The Board Of Review
 2720.340 Extensions Of Time In Which To Issue A Board Of Review Decision
 2720.345 Issuance Of Notice Of Right To Sue

AUTHORITY: Implementing and authorized by Sections 239, 409, 500, 604, 700, 701, 702, 703, 705, 706, 800, 801, 803, 804, 805, 1000, 1001, 1002, 1004, 1200, 1700, 1701, 2300, 2301, 2302, and 2304 of the Unemployment Insurance Act [820 ILCS 405/239, 409, 500, 604, 700, 701, 702, 703, 705, 706, 800, 801, 803, 804, 805, 1000, 1001, 1002, 1004, 1200, 1700, 1701, 2300, 2301, 2302 and 2304].

SOURCE: Adopted at 8 Ill. Reg. 24957, effective January 1, 1985; amended at 10 Ill. Reg. 12620, effective July 7, 1986; amended at 11 Ill. Reg. 14338, effective August 20, 1987; amended at 11 Ill. Reg. 18671, effective October 29,

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1987; amended at 12 Ill. Reg. 14660, effective September 6, 1988; emergency amendments at 13 Ill. Reg. 11890, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 18263, effective November 9, 1989; amended at 14 Ill. Reg. 15334, effective September 10, 1990; amended at 14 Ill. Reg. 18489, effective November 5, 1990; amended at 16 Ill. Reg. 2556, effective January 30, 1992; emergency amendment at 16 Ill. Reg. 7506, effective April 22, 1992, for a maximum of 150 days; emergency expired September 19, 1992; amended at 17 Ill. Reg. 17937, effective October 4, 1993; amended at 18 Ill. Reg. 16340, effective October 24, 1994; amended at 21 Ill. Reg. 10441, effective 11/1/97.

SUBPART A: GENERAL PROVISIONS

Section 2720.30 Correction Of Technical Errors

- a) Subject to the provisions of this Section, the Agency shall on its own motion or the motion of a party, correct any technical error in any Finding, Determination or Decision necessary to effectuate the intent of the originating authority by issuing a corrected Finding, Determination or Decision. Production of new evidence shall not be a technical error under the provisions of this Section.

Example: The Referee issues a Decision, which states the facts and applicable law, ~~as set out in its~~ The text of the Decision indicates that benefits will be allowed ~~to allow benefits~~. However, the conclusion of the Decision states that benefits are denied. Either on its own motion or the motion of a party, the Agency shall correct this Decision so that the conclusion follows from the facts and the law as set out in the text of the Decision.

- b) Any ~~such corrected finding, determination or~~ Decision shall set forth the matter being corrected in a different type font than the original text, ~~expressly stating the original and corrected language along with the basis for any such change.~~

- c) No corrected Finding, Determination or Decision shall be issued where:
- 1) The issue in question has been appealed to a higher authority; or,
 - 2) Any ~~party to the finding, determination, or~~ Decision ~~has not received prior notice and an opportunity to be heard on the motion to correct, or~~ 3) More than thirteen weeks have passed since the end of the benefit year affected by the finding, or more than a year has passed since the last day of the week for which the Determination was made; or,

- 3) 4) More than 30 days have passed since the date of mailing of the Decision of the Referee or the Board of Review.

- d) Where the Agency denies a motion of a party to issue a corrected Finding, Determination, or Decision, the motion shall be considered an appeal to the original Finding, Determination or Decision to the next higher level of review within the Agency. Such motion does not stay

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the period for filing an appeal to the circuit court.

(Source: Amended at 21 Ill. Reg. 9441, effective 1/1/77)

SUBPART C: APPEALS TO REFEREE

Section 2720.200 Filing Of Appeal

- a) Any party may appeal an Adjudicator's Determination determination or Finding finding. An appeal should be filed in person at or by mail to at the local office where the claim was filed.
- b) The appeal must be filed within 30 days after the Adjudicator's Determination determination or Finding finding was mailed or hand delivered to the parties (see Section 2720.10).
- c) No special form is necessary to file an appeal to the Referee. The appeal must should comply with the following requirements:
 - 1) The appeal must be in writing, dated and signed by the person appealing or his representative; and
 - 2) The appeal must be limited to one claimant and contain the name and Social Security number of the claimant;⁷
 - 3) The appealing party must set forth the parts of the decision with which the appealing party disagrees and the specific reasons for that disagreement;

d) 4 An appeal of a labor dispute Determination determination to a Director's Representative under Section 604 of the Act and 56 Ill. Adm. Code 2720.275 may be filed by any party to a Determination or an agent representing all members of the affected class of workers by listing only all Social Security account numbers of the employees on the appeal.

e) 1 At the request of any appellant, an Adjudicator at the local office where the appeal should be filed pursuant to subsection (a) will assist the appellant to file the appeal. In such event, the Adjudicator providing assistance and the appellant will sign the appeal.

f) 1 The Agency will promptly schedule a hearing before a Referee and, except as provided in Section 2720.201, mail notice of the hearing to the parties. (Customarily notice of hearing will be mailed within 15 days after of the filing of the appeal.)

(Source: Amended at 21 Ill. Reg. 9441, effective 1/1/77)

Section 2720.205 Notice Of Hearing

- a) Written notice of the time, date and place of the hearing shall be mailed to the parties at least 10 days before the date of the hearing.
- b) The notice will identify the parties and the Findings or Determination

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being appealed and will inform the parties of the issues upon which the appeal is based.

- c) In the event that a claimant appeals an Adjudicator's Determination regarding a separation issue (Sections 601, 602, 603 of the Act), and where the employing unit from which the separation occurred is not a party, such employing unit will receive notice of hearing which it may attend as a nonparty and present such facts and evidence as it may possess.

- d) No hearing, or part of a hearing shall be conducted on an issue to which the parties have not been given notice pursuant to subsections (a) and (b) of this Section, unless such notice is waived by all parties either in writing or on the record.

- e) Unless notice is waived pursuant to subsection (d), if during or after the hearing the Referee determines that the facts require a Decision under a Section(s) of the Act different from the Section(s) specified in the notice given pursuant to subsections (a) and (b), or that the notice does not accurately describe the question at issue, then the Referee shall immediately terminate the hearing, if applicable, issue no Decision on the merits for the Section(s) or questions for which proper notice was not given and shall either:
 - 1) Remand the unresolved issue(s) case back to the Claims Adjudicator for a Finding or Determination on the correct issue(s) if facts or issues are introduced which were not previously presented to the Claims Adjudicator; or,

Example: The Referee is examining the claimant with respect to the reason for separation from work. During the course of the hearing the claimant indicates that he may not be able to work. Under the circumstances the Referee shall remand the case to the Claims Adjudicator for a Determination under Section 500 of the Act.

- 2) Cause new notices containing the correct issue(s) to be mailed to the parties where the facts remain the same as presented to the Claims Adjudicator but the incorrect issue was identified.

Example: Based solely on the testimony of the claimant, the Claims Adjudicator determines that the claimant was discharged from his last job. After hearing testimony from the parties, the Referee decides that the separation was caused by the claimant's voluntary resignation. Here, if the parties refuse to waive notice, the Referee shall cause new notices containing the correct issue to be mailed to the parties.

(Source: Amended at 21 Ill. Reg. 9441, effective 1/1/77)

Section 2720.210 Preparation For The Hearing

- a) Each party shall appear at the hearing before the Referee with

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witnesses or documents it believes to be necessary to establish or refute allegations set forth in the appeal.

- b) A party requiring an interpreter must provide, at its expense, an interpreter able and willing to translate verbatim from the witness's language into English and vice versa. The Referee will administer an interpreter's oath to any interpreter.
- c) Upon timely request to the Referee assigned to the case, or his supervisor prior to the beginning of an in-person hearing, a party may inspect the file during the Agency's regular business hours at the office of the Referee assigned to the case. The date and name of any person inspecting the file will be placed on the file's folder. In the case of a telephone hearing, a file may be inspected at the office of the Referee at the local office where the claim was filed or at the Agency's main office at 401 S. State, Chicago, IL, if such request is made at least two working days prior to the hearing; where the request is timely made, the Department shall provide the party making the request with an opportunity to inspect the file at least 24 hours prior to the hearing or at any other office of the Agency if such a request is made five working days prior to the hearing.

(Source: Amended at 21 Ill. Reg. , effective)

Section 2720.215 Format of Hearings

- a) Except as otherwise provided in subsection (b), hearings shall be conducted by telephone. In person unless the claimant or employer is located outside of the State at the time the Notice of Hearing is sent. Such in-person hearing shall be conducted at a location where Referee hearings are regularly scheduled and whenever possible be conducted at a location near the local office where the claim was filed. The Agency shall situate Referees throughout the State in a manner designed to maximize efficiency while providing the greatest possible convenience.

- b) A witness or party may appear in person by telephone, upon the Referee's motion or upon the request of the witness or party for good cause shown where the request provided the request to appear by telephone is received by the Referee prior to or at the date of the hearing. Where a referee schedules an in-person appearance on his own motion, the witness or party may appear by telephone, upon the witness' or party's request, where the request is received by the Referee prior to the date of the hearing, unless the witness is required to appear in person pursuant to this subsection. A witness or party who requests to appear by telephone shall be required to appear in person if the Referee finds that an in-person appearance is necessary for the furnishing of interpretive services to a party who is hearing or speech impaired, or due to the volume or complexity of the evidence or for the proper disposition of the claim. If the

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Referee denies or requires the in-person appearance of a witness or party who has requested to appear by telephone, the reasons for doing so shall be stated on the record.

- c) A party appearing by telephone shall submit to the Referee and any opponent any documents that it intends to introduce at the hearing in time to ensure receipt of the documents before the date of the scheduled hearing. If a party is appearing by telephone in a matter that has been remanded by either the Board of Review or the Circuit Court and the opposing party was represented by an attorney before the body which ordered the matter remanded, copies of such documents must be served on the attorney for the opposing party. Unless waived on the record, if the Referee finds that any document introduced or referenced in the course of the hearing was not received, the Referee shall continue the hearing until such document is received or proceed with the hearing with or without the admission of such document. If the Referee proceeds with the scheduled hearing, the reasons for admitting or not admitting such document shall be stated on the record.
- d) This Section shall not apply to appeals of decisions relating to the amount of wages found in a claimant's base period; those cases will be governed by the provisions of Section 2725.200.

(Source: Amended at 21 Ill. Reg. , effective)

Section 2720.240 Continuances

- a) The Referee to whom the appeal was assigned, or a hearings supervisor if the Referee is not available, shall grant a continuance requested by a party only for "exceptional reasons". The request must be made in person, by telephone, or in writing, and such request must be received prior to the conclusion of the hearing. Such "exceptional reasons" are limited to:

- 1) Compassionate Grounds:

- A) Medical reasons that prevent the individual from appearing if the Referee is provided with proper documentation or proof of such reasons, including but not limited to a previously scheduled medical appointment emergency; or

- B) Medical emergency or death in the family;

- 2) Unforeseen circumstances such as accident, flood, fire, civil disorder, public utility emergency, military necessity or other insuperable interference;

- 3) A demand by a party to obtain legal representation or to inspect the case file, provided that it is shown at the time of the request that due diligence was exerted to obtain such representation or to inspect the file;

- 4) The claimant is employed, is scheduled for an employment interview or is participating in a training program approved for

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him by the Director under the provisions of Section 500C5 of the Act at the time of the hearing and cannot reasonably appear at the hearing either in person or by telephone; or when a party's attorney has a conflict in his schedule because he has an appointment with a client; or a court appearance or comparable matter scheduled for the same time as the hearing before the Referee and the attorney cannot reasonably appear at the hearing before the Referee and cannot reasonably find a substitute counsel; such appointment-or-court--appearance--is--an emergency-matter--for--which-the-attorney-had-less-than-24-hours-notice-

- 5) When a party's attorney has a conflict in his schedule because he has an appointment with a client, or a court appearance of comparable matter scheduled for the same time as the hearing before the Referee and the attorney cannot reasonably appear at the hearing before the Referee and cannot reasonably find a substitute counsel, such appointment or court appearance is an emergency matter for which the attorney had less than 24 hours notice.

Example: A continuance is requested because a party's attorney has a conflict in his schedule because he has an appointment with a client or a court appearance scheduled for the same time as the hearing before the Referee. The court appearance is for a routine matter, such as an agreed motion or a status call, which could be handled by another member of the attorney's firm. Such unless-the-appointment-or-court-appearance-is-an-emergency-matter-for-which-the-attorney-had-less-than-24-hours-notice-such-a-conflict-will-not-constitute-a-good-cause-for-a-continuance. It Absen-emergency-circumstances--it will be incumbent on the attorney to reschedule his other--appointment--or court appearance or obtain substitute counsel to appear in his stead before the Referee.

- 6) The employer's representative or witness is unable to appear either in person or by telephone due to a plant shutdown for vacation, inventory or holiday which is provided for by a collective bargaining agreement or the employer's custom and the Referee is provided with documentation of such contract agreement or custom.
 - 7) A party is unable to attend the hearing either in person or by telephone due to a conflicting legal or regulatory requirement, including but not limited to jury duty; or
 - 8) When, at the same time as the hearing before the Referee, a party's representative is scheduled to participate in another hearing before a Referee or Director's representative and no other reasonable accommodation can be made, on the condition that the representative notifies the Agency of the conflict no later than five working days after issuance of the hearing notice that should have made the conflict patently evident.
- b) In the event that a continuance is granted, the hearing will be set for the earliest available time and date, but, absent exceptional reasons, no more than seven days after the scheduled hearing. The Agency will inform the parties of the date, time and place of the continued hearing either orally or in writing.

- 7) A party is unable to attend the hearing either in person or by telephone due to a conflicting legal or regulatory requirement, including but not limited to jury duty; or
- 8) When, at the same time as the hearing before the Referee, a party's representative is scheduled to participate in another hearing before a Referee or Director's representative and no other reasonable accommodation can be made, on the condition that the representative notifies the Agency of the conflict no later than five working days after issuance of the hearing notice that should have made the conflict patently evident.

- 8) When, at the same time as the hearing before the Referee, a party's representative is scheduled to participate in another hearing before a Referee or Director's representative and no other reasonable accommodation can be made, on the condition that the representative notifies the Agency of the conflict no later than five working days after issuance of the hearing notice that should have made the conflict patently evident.
- 9) In the event that a continuance is granted, the hearing will be set for the earliest available time and date, but, absent exceptional reasons, no more than seven days after the scheduled hearing. The agency will inform the parties of the date, time and place of the continued hearing either orally or in writing.

- b) In the event that a continuance is granted, the hearing will be set for the earliest available time and date, but, absent exceptional reasons, no more than seven days after the scheduled hearing. The Agency will inform the parties of the date, time and place of the continued hearing either orally or in writing.

(Source: Amended	at 21	Ill.	Reg.	effective
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Section 2720.245 Conduct Of Hearing

- a) The Referee will control the hearing which will be confined to the factual and/or legal issues on appeal and ensure that the parties have a full opportunity to present all evidence and testimony regarding such issue(s).
- b) Following examination the testimony of each witness by the Referee, that witness may be questioned and cross-examined by any other party and further questioned by the Referee, if necessary, to ensure clarity and completeness of the issues and of the record. The Referee shall ensure that the parties have full opportunity to present all evidence and testimony regarding the factual and/or legal issues on appeal.
- c) If any person becomes abusive or disruptive so that a full and fair hearing cannot be conducted, the Referee shall exclude the person from the hearing. The Referee will then continue the hearing without the participation of the excluded individual, and will render a decision based on the evidence in the record.
- d) The Director shall prohibit any individual from representing a party in a proceeding under this Part if the Director finds that such individual is or has been guilty of violating the standards in Rule 8.4 1-102 of the Illinois Rules of Code-of Professional Conduct Responsibility, Article 8 of the Rules of the Illinois Supreme Court 1117-Rev--Stat--1991r--ch--110A7-par--1-110-et-seq7 or has intentionally disregarded the provisions of the Act or rules promulgated thereunder, or the written instructions of the Board of Review. Such prohibition shall be in writing and shall be applicable for a period not to exceed 120 days from the date such decision is mailed to the party. Such individual may appeal the Director's Decision under the Administrative Review Law 1117-Rev--Stat--1991r-ch-110-par-3-101-et-seq7 [735 ILCS 5/Art. III]. Unless agreed to by all parties in writing or on the record, no bifurcated (split) hearings shall be held.
Example: The appellant appears at the scheduled hearing, and his testimony is taken by the referee; the appellee fails to appear but later requests and is granted a reopened hearing; at the reopened hearing, only the appellee appears. This situation shall not constitute a bifurcated hearing.

- b) Following examination the testimony of each witness by the Referee, that witness may be questioned and cross-examined by any other party and further questioned by the Referee, if necessary, to ensure clarity and completeness of the issues and of the record. The Referee shall ensure that the parties have full opportunity to present all evidence and testimony regarding the factual and/or legal issues on appeal.
- c) If any person becomes abusive or disruptive so that a full and fair hearing cannot be conducted, the Referee shall exclude the person from the hearing. The Referee will then continue the hearing without the participation of the excluded individual, and will render a decision based on the evidence in the record.

- c) If any person becomes abusive or disruptive so that a full and fair hearing cannot be conducted, the Referee shall exclude the person from the hearing. The Referee will then continue the hearing without the participation of the excluded individual, and will render a decision based on the evidence in the record.

- d) The Director shall prohibit any individual from representing a party in a proceeding under this Part if the Director finds that such individual is or has been guilty of violating the standards in Rule 8.4 i-12 of the Illinois Rules of ~~Code~~of Professional Conduct Responsibility, Article 8 of the Rules of the Illinois Supreme Court ~~(11-Rev-Stat--1991-ch-110-par-110-et-seq)~~ or has intentionally disregarded the provisions of the Act or rules promulgated thereunder, or the written instructions of the Board of Review. Such prohibition shall be in writing and shall be applicable for a period not to exceed 120 days from the date such decision is mailed to the party. Such individual may appeal the Director's Decision under the Administrative Review Law ~~(11-Rev-Stat--1991-ch-110-par-3-101-et-seq)~~ (735 ILCS 5/Art. III).

- e) Unless agreed to by all parties in writing or on the record, no bifurcated (split) hearings shall be held.

Example: The appellant appears at the scheduled hearing, and his testimony is taken by the referee; the appellee fails to appear but later requests and is granted a reopened hearing; at the reopened hearing, only the appellee appears. This situation shall not constitute a bifurcated hearing.

(Source: Amended at	21	Ill.	Reg.	effective

Section 2720.255 Failure Of Party To Appear At The Scheduled Hearing

- a) Failure of the appellant to appear at the hearing at the time the hearing is scheduled before the Referee will result in a dismissal of the appeal. If the hearing is scheduled to be conducted by telephone

(Source: Amended	at 21	Ill.	Reg.	effective
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or the appellant has been allowed or required to appear by telephone, failure of the appellant to inform the Referee of the his telephone number at which he can be reached at that time or to answer the telephone at that number will also result in dismissal of the appeal.

- b) Failure of the appellee to appear at the hearing at the time the hearing is scheduled, or, if a hearing is scheduled to be conducted by telephone or the appellee has been allowed or required to appear by telephone, failure of the appellee to inform the Referee of the his telephone number at which he can be reached at that time, or to answer the telephone at that number, will cause the Referee to issue a decision based on the record made by the Adjudicator and the evidence introduced by the appellant at the hearing and the evidence in the record.

- c) Failure of any witness to appear at the hearing at the time that the hearing is scheduled, or, if the hearing is scheduled to be conducted by telephone or the witness has been allowed or required to appear by telephone, a party's failure to inform the Referee of the telephone number at which the Referee can, at the time of the hearing, reach the witness, or the witness' failure to answer the telephone at the number given to the Referee by the party seeking the witness' testimony, shall cause the Referee to conduct the hearing with those parties and witnesses who appeared in person or were available by telephone and to make his decision based on the available testimony and evidence in the record.

- d) If any party or witness shall refuse to consent to the tape recording of the hearing by the Referee or refuse to take the oath or affirmation when requested by the Referee, the participation of that individual in the hearing shall be terminated, and the hearing shall be conducted as if the individual failed to appear.

e) If a party fails to appear and an adverse decision is rendered, that party may, by letter or on the record, request rehearing of the appeal from the Referee or from his supervisor, provided that party has not filed an appeal to the Board of Review pursuant to Section 2720.300. In the event that such an appeal to the Board of Review has been filed, the rehearing request will be denied. The request will be assigned to the same Referee to whom the appeal was originally assigned. The following procedure shall be used:

- 1) Requests to rehear the appeal must be filed no later than 10 days after the hearing or the date the party first knew or should have known of the scheduled hearing, whichever is later, but in no event beyond the time for filing a timely appeal to the Board of Review pursuant to Section 2720.300(a); e.g., the appellant does not attend a hearing because he claims not to have received notice of the hearing, he does, however, receive a decision that his appeal has been dismissed for failing to appear at the hearing, his request for rehearing must be filed within 10 days after of this decision because, as a result of the dismissal of his appeal, he should have known that he missed the scheduled

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hearing. Such requests must state the facts showing that failure to appear at the scheduled hearing was either due to not having received timely notice of the hearing or for an "exceptional reason" as set forth in Section 2720.240 and that either a request for continuance under that Section was improperly denied or the failure to make the request for a continuance was caused by reasons outside of the control of the party and by circumstances that could not have been foreseen and avoided. Upon a party's request, the party shall be treated as not having appeared at the hearing before the Referee and a rehearing shall be granted if, in making the request, the party shows that, at the time of the hearing, the party's representative was participating in another hearing before a Referee or Director's representative, the conflict was not patently evident prior to the scheduled start of the party's hearing and no other reasonable accommodation could be made; except with respect to the facts required to be shown, the request must be consistent with all other provisions of this subsection (e).

- 2) Based on the statements in the request and the facts of the record, the Referee or his supervisor shall:

A) If the request meets the requirements of subsection (e)(1), schedule a hearing shall be scheduled with notice to all parties (see Section 2720.205)7--including a copy of the request to any opposing parties; or

B) If deny the request,--if the request fails to meet the requirements of subsection (e)(1), the request shall be denied, and issue a written decision setting forth the reasons for the denial shall be issued. In such cases, if an adverse decision on the merits was issued, a timely appeal to the denial of a timely request for rehearing shall also constitute a timely appeal on the merits of the matter.

- 3) At the start of the hearing any party may present its objections to the request. The Referee will consider all objections and responses and supporting evidence, if any, and will grant or deny the request for a rehearing at that time based on the preponderance of the evidence. If the Referee denies the request, he will terminate the proceedings. If the Referee grants the request, he will proceed to conduct a hearing on the merits.

4) If there is an objection to the request, the Referee's ruling will be on decision, in writing or on the record, will state the contain any findings of fact and reasons for the ruling which decision to grants or denies deny the request. All denials of requests for rehearing shall be in writing.

5) If the party disagrees with the denial of the request for rehearing, he must appeal such denial within the time and in the manner set forth in Section 2720.300.

- 6) A decision to grant a rehearing is not immediately subject to

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appeal but may be raised by the aggrieved party if an appeal is filed to the decision on the merits of the matter.

Example: A decision is made to grant a rehearing to an appellant. After the rehearing, a decision is made in favor of the appellant. The appellee appellant may appeal this decision to the Board of Review. In his appeal to the Board of Review, the appellee (now the appellant) may request that the Board of Review rule on the propriety of the granting of the rehearing before it goes to the merits of the matter.

(Source: Amended at 21 Ill. Reg. 212.1.1, 215, 217, 218, 225, 1700 and 1701., effective July 2, 1997)

Section 2720.265 The Record

A complete record will be kept of all proceedings before the Referee. The record will consist of a digital recording and/or a tape recording of testimony of the parties and their witnesses, and the digital and/or paper copy of all documents introduced into evidence, all notices, written motions or requests, decisions, findings of fact, and reports of investigations by the Adjudicator, Referee or Board of Review relating to the factual and/or legal issues on appeal.

(Source: Amended at 21 Ill. Reg. 212.1.1, 215, 217, 218, 225, 1700 and 1701., effective July 2, 1997)

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- 1) Heading of the Part: Employment
- 2) Code Citation: 56 Ill. Adm. Code 2732
- 3) Section Number: Adopted Action:
2732.205 New Section
2732.215 New Section
2732.220 Amended Section
2732.305 Amended Section
- 4) Statutory Authority: 820 ILCS 405/205, 206, 211.5, 212, 212.1, 215, 217, 218, 225, 1700 and 1701.
- 5) Effective Date of Amendments: July 2, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this Rule contain incorporations by reference? No
- 8) Date filed in Agency Principal Office: June 20, 1997
- 9) Notice of Proposal published in the Illinois Register: 21 Ill. Reg. 4120 - April 4, 1997
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference between proposal and final version: The only changes made were those requested by JCAR.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency rule currently in effect? No
- 14) Are there any amendments pending of this Part? No
- 15) Summary and purpose of amendments: The proposed Section 2732.205 sets forth the Director's interpretation of the various provisions of Section 212.1 of the Act; the proposed Section 2732.215 sets forth the Director's interpretation of the Unemployment Insurance Act as exempting individuals who are "participants" under the federal National and Community Service Act of 1990; the proposed amendment to Section 2732.220 clarifies that, under Section 217 of the Act, a "consumer product" includes intangible personal property like cable television subscriptions; and the proposed amendment to Section 2732.305 provides that there will be a rebuttable presumption that "leased employees" are the employees of the leasing company unless certain conditions are met.

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16) Information and questions regarding this adopted amendment shall be directed to:

Gregory J. Ramel, Deputy Legal Counsel
Illinois Department of Employment Security
401 South State Street - 7th Floor South
Chicago, IL 60605
312-793-4240

The full text of the Adopted Amendments begin on the next page:

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TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER C: RIGHTS AND DUTIES OF EMPLOYERS

PART 2732
EMPLOYMENT

SUBPART A: COVERAGE

Section 2732.125	Requirement That "Four Or More" Employees of A Nonprofit Organization Perform Services Within This State
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SUBPART B: SERVICES IN EMPLOYMENT

Section 2732.200 2732.203 2732.205 2732.210 2732.215	Section 212 of the Act - Services in Employment The Effect of Regulation By A Governmental Entity On "Direction Or Control" Under Section 212 Of The Act Owner-Operators Of Motorized Vehicles Mandatory Jury Service Exemption From The Definition Of Employment For Participants In The Americorps Program 2732.220 2732.225 2732.227 2732.230 2732.235
	Exemption From The Definition Of Employment For Direct Sellers of Consumer Goods Exemption From The Definition Of Employment For Freelance Editorial Or Photographic Work Exemption For The Delivery Or Distribution Of Newspaper Or Shopping News To The Ultimate Consumer Domestic Service Effect Of Section 218 Of The Act On The Employment Status Of Certain Relatives

SUBPART C: DETERMINING THE EMPLOYER

Section 2732.305	Employee Leasing Companies
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AUTHORITY: Implementing and authorized by Sections 205, 206, 211.5, 212, 215, 217, 218, 225, 1700, and 1701 of the Unemployment Insurance Act [820 ILCS 405/205, 206, 211.5, 212, 215, 217, 218, 225, 1700, and 1701].

SOURCE: Adopted at 13 Ill. Reg. 8864, effective May 30, 1989; amended at 14 Ill. Reg. 673, effective January 2, 1990; amended at 15 Ill. Reg. 11423, effective July 30, 1991; amended at 16 Ill. Reg. 8173, effective May 18, 1992; amended at 16 Ill. Reg. 12159, effective July 20, 1992; amended at 17 Ill. Reg. 8809, effective June 2, 1993; amended at 17 Ill. Reg. 17947, effective October 4, 1993; amended at 18 Ill. Reg. 16355, effective October 24, 1994; amended at

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21 Ill. Reg. 9459, effective July 1, 1997.

SUBPART B: SERVICES IN EMPLOYMENT

Section 2732.205 Owner-Operators Of Motorized Vehicles

- a) Section 212.1 of the Act [20 ILCS 405/212.1] applies only to services performed on or after August 8, 1995.
- b) The burden of proving that services are exempt, under Section 212.1, from the Act's definition of "employment" rests with the person or entity to which the individual is contracted to perform the services.
- c) Section 212.1 applies only to services an individual performs as an operator of a truck, truck-tractor or tractor.

Example: Smith performs services for Company A, which is licensed by the Illinois Commerce Commission as a motor carrier of personal property. These services consist entirely of loading and unloading trucks at Company A's loading dock. Section 212.1 does not exempt Smith's services for Company A from the Act's definition of "employment."

- d) For purposes of applying Section 212.1:

- 1) "Truck" has the meaning ascribed to it in Section 1-211 of the Illinois Vehicle Code [625 ILCS 5/1-211].
- 2) "Truck-tractor" has the meaning ascribed to it in Section 1-212 of the Illinois Vehicle Code [625 ILCS 5/1-212].
- 3) "Tractor" has the meaning ascribed to "road tractor" in Section 1-178 of the Illinois Vehicle Code [625 ILCS 5/1-178].
- 4) "Family member" means any parent, sibling, child, sibling of a parent, or any of the foregoing relations by marriage.
- 5) A person or entity owns, controls or operates another entity when:
 - A) by virtue of its ownership interest in that other entity, it has the power to direct the management of the other entity; or
 - B) by virtue of its ownership interest in that other entity combined with the ownership interest of one or more others, it actually directs, by itself or in conjunction with others, the management of the other entity; or
 - C) it has responsibility for overseeing the day-to-day operations of that other entity.

- 6) Ownership, control or operation may be through any one or more natural persons or proxies, powers of attorney, nominees, proprietorships, partnerships, associations, corporations, trusts, joint stock companies or other entities or devices or any combination thereof.

- 7) "Person or entity" means a sole proprietorship, partnership, association, corporation or any other legal entity.
- 8) A requirement imposed by a governmental regulatory or licensing agency with respect to services an individual performs as an

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operator of a truck, truck-tractor or tractor is not a requirement imposed on the individual by any person or entity to which the individual is contracted to perform the services.

- e) Section 212.1 (a)(2) of the Act

1) The services are performed by an individual who is registered or

licensed as a motor carrier of real or personal property by the Illinois Commerce Commission, the Interstate Commerce Commission, the United States Department of Transportation or any successor agencies; or

- 2) Both:

- A) The individual performing the services is doing so under an owner-operator lease contract; and
- B) The person or entity with which the individual is contracted to perform the services is registered or licensed as a motor carrier of real or personal property by the Illinois Commerce Commission, the Interstate Commerce Commission, the United States Department of Transportation or any successor agencies.

Example: Jones, who owns her own pickup truck, works for ABC Hardware Store. As part of the regular course of Jones' work for ABC, she uses her pickup truck to make deliveries to customers. Neither Jones nor ABC is licensed or registered as a motor carrier of property. Section 212.1 does not exempt the delivery services Jones performs for ABC from the Act's definition of "employment."

- f) Section 212.1(a)(2) of the Act

Section 212.1(a)(2) is not satisfied unless both subsections (f)(1) and (2) of this Section are satisfied.

- 1) The individual performing the services must be able, with reasonable notice if required by the contract, to terminate the lease contract with the person or entity to which the individual is contracted to perform the services, prior to the termination date specified in the contract, without incurring any legal or equitable liability to such person or entity other than liability for damage to the property being carried or damage or injury caused as a result of the operation of the truck, truck-tractor or tractor.

A) Example: The lease contract between Smith and Motor Carrier A extends from January 1, 1997, through June 30, 1997, and provides that Smith's terminating the contract prior to June 30, 1997, under any circumstances, will result in Smith's being liable for liquidated damages determined according to a formula specified in the contract. Section 212.1 does not exempt the services Smith performs pursuant to the contract from the Act's definition of "employment" because Smith does not have the right to terminate the contract as contemplated

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by Section 212.1(a)(2) of the Act.

B) Example: The lease contract between Jones and Motor Carrier C extends from January 1, 1997, through June 30, 1997, but provides that Jones may terminate the lease contract prior to June 30, 1997, without incurring any liability to C other than liability for damage to the property being carried or damage or injury caused as a result of the operation of Jones' truck, on the condition that Jones provides C with reasonable notice of termination. If Jones terminates the contract without providing C with reasonable notice, Jones will be liable for liquidated damages determined in accordance with a formula specified in the contract. Under these facts, absent any other evidence that indicates C has failed to satisfy the requirements of subsections (e) through (k) of this Section, the services Jones performs for C are exempt from the Act's definition of "employment".

2) Following the termination of the lease contract, the individual must be able to perform the same or similar services for others, on whatever basis and whenever he or she chooses, without incurring any legal or equitable liability to the person or entity to which the individual was contracted to perform the services under the terminated lease contract.

Example: The lease between Davis and Motor Carrier B provides that, upon termination of the contract, Davis shall not, for a period of six months, perform services as an operator of a truck, truck-tractor or tractor for any other motor carrier located within a 90-mile radius of B's main office. The provision is enforceable by injunction. Section 212.1 does not exempt the services Davis performs pursuant to the contract from the Act's definition of "employment."

g) Section 212.1(a)(3) of the Act

which the individual is contracted to perform the services imposes no requirements on the individual to perform the services, or be available to perform the services, at a specific time or times, according to a specific schedule or for a specified number of hours. The person or entity is not considered as having imposed such a requirement where the person or entity informs the individual performing the services of a pickup or delivery time specified by the shipper or receiver of the property to be transported.

1) Example: Adams telephones Motor Carrier A at 8:00 A.M. each day Adams is available to provide truck driving services to see whether A has any work for Adams. After being informed that there is work, Adams must make himself available to perform the work by 9:00 A.M. If Adams fails to make himself available by 9:00 A.M., Motor Carrier A will enter a demerit on his personnel records. If Adams accumulates five demerits during a year, Motor Carrier A will terminate its relationship with Adams. Section

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212.1 does not exempt the services Adams performs for Motor Carrier A from the Act's definition of "employment."

2) Example: Motor Carrier B telephones Smith in each of five consecutive weeks to offer Smith work providing truck driving services for B. Each time, Smith indicates he is not interested. B does not contact Smith after that. By itself, B's decision not to attempt to do further business with Smith, an individual who has consistently refused B's offers of work, is not evidence that B has imposed any requirements on Smith to perform services, or be available to perform services, at a specific time or times, according to a specific schedule or for a specified number of hours.

3) Example: ABC Produce Company has contracted with XYZ Trucking Company to deliver produce to various wholesalers every Tuesday, Thursday and Saturday; ABC has instructed XYZ the produce must be delivered to each wholesaler no later than 4 A.M. Jones is to perform the services for XYZ as the operator of a truck, transporting produce from ABC. XYZ informs Jones of the 4 A.M. deadline imposed by ABC. It is understood that Jones' failure to meet the deadline may jeopardize his ability to drive for XYZ again. The deadline was specified by the shipper. The fact that a carrier may be reluctant to transact future business with a driver who has failed to meet the shipper's deadline does not, by itself, indicate the carrier has failed to satisfy Section 212.1. Under these facts, absent any other evidence that indicates XYZ has failed to satisfy the requirements of subsections (e) through (k) of this Section, the services Jones performs for XYZ are exempt from the Act's definition of "employment".

4) Example: White operates a truck for the ABC Produce Company. ABC instructs White that produce picked up from ABC's terminal must be delivered to XYZ Wholesaler by 4 A.M. on the delivery date. It is understood that White's failure to meet the deadline may jeopardize his ability to drive for ABC again. The fact that ABC may be reluctant to transact future business with a driver who has failed to meet the delivery time ABC, as the shipper, has specified does not by itself indicate ABC has failed to satisfy Section 212.1. Under these facts, absent any other evidence that indicates ABC has failed to satisfy the requirements of subsections (e) through (k) of this Section, the services White performs for ABC are exempt from the Act's definition of "employment".

5) Example: Under a contract between Reynolds and ABC Construction Company, Reynolds is to deliver asphalt to a specified ABC construction site at 8 A.M. on the designated day. Timely delivery of asphalt will require Reynolds to pick up the asphalt from the location specified by ABC no later than 7 A.M. It is understood that Reynolds' failure to pick up and deliver the asphalt on time may jeopardize his ability to drive for ABC

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again. The fact that ABC may be reluctant to transact future business with a driver who has failed to meet the pickup and delivery times ABC, as the receiver, has specified does not, by itself, indicate ABC has failed to satisfy Section 212.1. Under these facts, absent any other evidence that indicates ABC has failed to satisfy the requirements of subsections (e) through (k) of this Section, the services Reynolds performs for ABC are exempt from the Act's definition of "employment".

h) Section 212.1(a)(4) of the Act

Section 212.1(a)(4) is not satisfied unless:

- i) the individual performing the services leases or holds title to the truck, truck-tractor or tractor; and
- Example: Smith operates a truck for ABC Trucking Company. ABC holds title to the truck. Section 212.1 does not exempt the services Smith performs for ABC from the Act's definition of "employment."

- 2) the individual or entity from which the truck, truck-tractor or tractor is leased or which holds a security or other interest in the truck, truck-tractor or tractor is not:

- A) the person or entity to which the individual operating the truck, truck-tractor or tractor is contracted to perform the services; or
- B) owned, controlled or operated by or in common with, to any extent, directly, or indirectly, the person or entity to which the individual operating the truck, truck-tractor or tractor is contracted to perform the services or a family member of a shareholder, owner or partner of the person or entity with which the individual is contracted to perform the services.

- i) Example: Adams operates a truck for XYZ Trucking Company, a corporation in which Jones is the majority shareholder. While Adams holds title to the truck, ABC Trucking Company, of which Jones is the sole proprietor, holds a lien on Adams' truck. Section 212.1 does not exempt the services Adams performs for XYZ from the Act's definition of "employment," since ABC is owned or controlled in common with XYZ.

ii)

Example: Madison operates a truck for XYZ Trucking, a corporation in which Jefferson is a five-percent shareholder. Madison holds title to the truck, but ABC Finance Company, which is managed by the brother of Jefferson's father-in-law, holds a lien on the truck. Section 212.1 does not exempt the services Madison performs for XYZ from the Act's definition of "employment," since the individual who operates ABC is a family member of a shareholder of XYZ.

- iii) Example: ABC Trucking Company, a corporation, is being audited by the Department of Employment Security

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to determine, among other items, whether services that Jones provided for ABC were "employment" for purposes of the Act. ABC demonstrates that Jones held title to the truck he operated in service to ABC while he was performing the services for ABC. ABC also provides a written statement, signed by an owner or officer of ABC and attesting that the owner or officer has made reasonable inquiries into the matter and, to the best of the owner's or officer's knowledge, while Jones was performing the services for ABC, ABC did not have any interest in Jones' truck; no individual or entity that might have held an interest in Jones' truck was owned, controlled or operated by or in common with, to any extent, directly or indirectly, ABC, and no individual or entity that might have held an interest in Jones' truck was owned, controlled or operated by or in common with, to any extent, directly or indirectly, a family member of a shareholder of ABC. The auditor is not aware of any evidence that contradicts the written statement. These facts indicate that Section 212.1(a)(4) is satisfied with respect to the services Jones performed for ABC.

i) Section 212.1(a)(5) of the Act

- 1) Section 212.1(a)(5) is not satisfied unless the individual operating the truck, truck-tractor or tractor pays all costs of licensing and operating the truck, truck-tractor or tractor. Section 212.1(a)(5) is not satisfied if the costs of licensing or operating the truck, truck-tractor or tractor are separately reimbursed by an individual or entity other than the individual operating the truck, truck-tractor or tractor. Costs not directly associated with the operation or licensing of the truck, including but not limited to telephone charges, expenses related to the loading or unloading of cargo and workers' compensation premiums with respect to the operator of a truck, truck-tractor or tractor do not constitute costs of licensing or operating the truck, truck-tractor or tractor.

A) Example: Smith operates a truck for ABC Trucking Company. At the end of each week in which Smith has performed services for ABC, the company furnishes Smith a check, accompanied by a statement itemizing the licensing and operational expenses for which Smith is being reimbursed, including wear and tear on Smith's truck. Section 212.1 does not exempt the services Smith performs for ABC from the Act's definition of "employment."

- B) Example: Adams operates a truck for XYZ Trucking Company, which furnishes Adams with a company debit card Adams may use to purchase fuel. XYZ covers all approved charges against the debit card and does not charge them back to

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Adams. Section 212.1 does not exempt the services Adams performs for XYZ from the Act's definition of "employment." Example: Jones operates a truck for XYZ Trucking Company. At the end of each week in which Jones has performed services for XYZ, the company furnishes Jones with a check. Jones deposits a portion of the payment received from XYZ in a checking account she maintains to cover the costs of operating the truck. Under these facts, absent any other evidence that indicates that XYZ has failed to satisfy the requirements of subsections (e) through (k) of this Section, the services Jones performs for XYZ are exempt from the Act's definition of "employment".

D) Example: Reynolds operates a truck for ABC Trucking Company. At the end of each week in which Reynolds has performed services for ABC, the company furnishes Reynolds with a check, based on a flat per mile fee. There is no indication that any portion of the fee is intended as a separate reimbursement to cover any costs directly associated with operating or licensing Reynolds' truck. Under these facts, absent any other evidence that indicates that ABC has failed to satisfy the requirements of subsections (e) through (k) of this Section, the services Reynolds performs for ABC are exempt from the Act's definition of "employment".

E) Example: Smith operates a truck for ABC Construction Company. At the end of each week in which Smith has performed services for ABC, the company furnishes Smith with a check, based on an hourly fee for his services. There is no indication that any portion of the check is intended as a separate reimbursement to cover any costs directly associated with operating or licensing Smith's truck. Under these facts, absent any evidence that indicates ABC has failed to satisfy the requirements of subsections (e) through (k) of this Section, the services Smith performs for ABC are exempt from the Act's definition of "employment".

F) Example: ABC Trucking Company pays for a customized paint job for the truck of any driver who drives over 1,000,000 miles for it without an accident, as long as the driver owns the truck. While technically, the cost of painting a truck may be considered an operating cost, the principal purpose of the payments in this case is not to reimburse the driver for operating costs but to reward his or her safe driving record. Under these facts, absent any other evidence that indicates that ABC has failed to satisfy the requirements of subsections (e) through (k) of this Section, the services the driver performs for ABC are exempt from the Act's definition of "employment".

2) This subsection (i) does not apply where federal or State law or

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regulation requires that the costs of licensing or operating the truck, truck-tractor or tractor be paid by the person or entity to which the individual operating the truck, truck-tractor or tractor is contracted to perform the services.

j) Section 212.1(a)(6) of the Act

1) Section 212.1(a)(6) is not satisfied unless:

- A) the individual performing the services offers or advertises his or her services to the public; and
- B) the individual performing the services maintains his or her own business identity.

2) Compliance with subsection (j)(1) can be demonstrated by the individual displaying his or her name on the truck, truck-tractor or tractor, or otherwise.

Example: Smith has his name and address painted on the doors of his truck. While operating his truck in the performance of services for XYZ Trucking, Smith also has affixed to his truck an identification device indicating he is hauling for XYZ. There is nothing on the truck to indicate Smith does not offer his services to the public. Under these facts, absent any other evidence that indicates XYZ has failed to satisfy the elements of subsections (e) through (k) of this Section, the services Smith performs for XYZ are exempt from the Act's definition of "employment".

k) Section 212.1(a) of the Act is not satisfied if, as a condition for retaining an individual's services as an operator of a truck, truck-tractor or tractor, the person or entity to which the individual is contracted specifies the person or entity from which the individual is to purchase the truck, truck-tractor or tractor.

1) Example: Smith operates a truck for ABC Trucking Company. The truck was purchased from XYZ Company, from which ABC requires anyone who wishes to drive for ABC to purchase his or her truck. Section 212.1 does not exempt the services Smith performs for ABC from the Act's definition of "employment."

2) Example: Jones operates a truck for XYZ Trucking Company. Jones purchased the truck from Smith. Previously, Adams, the owner of XYZ, had advised Jones that Smith was interested in selling the truck. Adams had also indicated that, based on what he knew about the truck, he would have bought it if he had been in the market for a truck. However, at no time did Adams indicate that Jones' ability to perform services for XYZ was dependent upon Jones' purchasing a truck from Smith. Under these facts, absent any other evidence that indicates that XYZ has failed to satisfy the requirements of subsections (e) through (k) of this Section, the services Jones performs for XYZ are exempt from the Act's definition of "employment".

(Source: Added at 21 Ill. Reg. 159, effective

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Section 2732.215 Exemption From The Definition Of Employment For Participants In The Americorps Program

Activities performed by an individual as a "participant", as that term is used in the National and Community Service Act of 1990, as amended (42 U.S.C. Sections 12501 et seq.), shall not be considered to be in employment under the Act [820 ILCS 405], and payments made to the individual for such activities shall not constitute wages subject to the payment of contributions.

(Source: Added at 21 Ill. Reg. 345.15, effective _____)

Section 2732.220 Exemption From The Definition Of Employment For Direct Sellers Of Consumer Goods

a) For the purpose of applying Section 217(b) of the Act [820 ILCS 405/217(b)] ~~{111-Rev-Stat-1989-ch-40-par-327(b)}~~, the following terms have the meanings set forth below.

1) "Consumer product" means both any tangible and intangible (e.g., a subscription for cable television service) personal property, which is distributed in commerce and which is normally used for personal, family or household purposes (including any such property intended to be attached to or installed in any real property without regard to whether it is so attached or installed). The term "consumer product" does not include any product used in the manufacture of another product to be distributed in commerce or any product used only incidentally in providing a service (e.g., insecticide used in a pest control service, materials used in an appliance repair business). Where the sale of the consumer product includes the sale of a service (such as installation), such installation shall be considered incidental to the sale of the consumer product, and, therefore, not effect the exemption if the value of the installation is less than 10 per cent of the cost of the total purchase price (including installation).

2) A transaction is on a "buy-sell basis" if the salesperson is entitled to retain part or all of the difference between the price at which the salesperson purchases the product and the price at which he sells the product to the consumer as part or all of the remuneration for the services.

3) A transaction is on a "deposit-commission basis" if the salesperson is entitled to retain part or all of a purchase deposit paid by the consumer in connection with the transaction as part or all of the salesperson's remuneration for services.

4) "Permanent retail establishment" is any retail business operating in a structure or facility that remains stationary for a substantial period of time to which consumers go to purchase consumer goods. Examples of these establishments are grocery

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stores, hardware stores, clothing stores, hotels, restaurants, drug stores and newsstands.

Example: A vendor who sells consumer products in a parking lot or other property which is near to or serving a sports arena or other amusement area pursuant to an agreement which grants to the vendor or to another entity for which the vendor provides service the right to sell consumer products on such property sells consumer products in a permanent retail establishment, regardless of whether the sale is made within a permanent structure.

b) The "written contract" requirement is not met unless the contract specifically states that the individual will not be treated as an employee for Federal tax purposes. It will not be sufficient that the contract merely state that the individual will not be treated as an employee.

c) Services provided prior to the later of the effective date or the date of execution of the written contract shall not be exempt under Section 217(b) of the Act.

d) The "substantially all the remuneration" requirement of Section 217(b) is satisfied if at least 90 per cent of the total remuneration, including advances and draws, received by the individual for the calendar year from that employing unit for performing such services is directly related to sales or other output rather than to the number of hours worked. Advance or draw shall not include monies which, pursuant to a binding written contract, must be repaid by the individual directly or indirectly (including by a debit against the individual's account with the employing unit).

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART C: DETERMINING THE EMPLOYER

Section 2732.305 Employee Leasing Companies

a) The words and terms used in this Section shall have the following meanings:

1) "Client" shall have the same meaning as that set forth for this term in Section 2765.5 of this Part;

2) "Employee leasing company" (also referred to as an employee service company) shall have the same meaning as that set forth for this term in Section 2765.5 of this Part;

Example: An on-going business lays off its workers and then they are immediately hired by the employee leasing company. This transaction exemplifies supplying workers to a client.

3) "Worker" means an individual provided by an employee leasing company to perform services in employment for its client.

b) Notwithstanding any contractual provisions that designate who is the

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employer, an employee service company is the employer of a worker only if, in fact, the employee service company performs all of the following functions:

- 1) Retains the sole authority to hire, promote, discipline and terminate the worker. An indication of whether the employee leasing company performs this function can be found in the answers to the following questions:

- A) Who recruits, interviews and tests the prospective worker and subsequently makes the hiring decision?
- B) Who formulates rules and regulations applicable to worker conduct, regardless of where the worker is placed?
- C) Who does the worker notify of any absences and requests for leave?
- D) Who resolves any worker dissatisfaction concerning conditions of employment?

- 2) Assigns or approves the worker to perform services for the client. An indication of whether the employee leasing company performs this function can be found in the answers to the following questions:

- A) Does the client independently negotiate with the worker regarding conditions of employment?
- B) If the client becomes dissatisfied with the performance of the worker and requests reassignment of the worker, who makes the decision whether to discharge the worker or reassign him to another client?
- C) Who provides on-site supervision of the worker, prepares and sets a work schedule for workers at the job site and sets performance standards or time requirements for the completion of the client work assigned?

- 3) Decides the total compensation paid to the worker, including rate of pay and benefits. An indication of whether the employee leasing company performs this function can be found in the answers to the following questions:

- A) Who determines the hourly rate or salary of the worker and also decides whether to provide pay increases or decreases?
- B) Who provides the medical and hospitalization insurance, life insurance and pension benefits?
- C) When a package of the benefits listed in subsection (b)(3)(B) above is provided, are they comparable regardless of the client?

- D) Who not only issues a check for the worker's hourly wages but also pays sick, vacation and bonus compensation?

- Moreover, who reimburses the worker for his expenses?

- 4) Incurs liability for the State and Federal employment taxes and assures that workers' compensation is provided to the worker.

- 5) Negotiates with clients for such matters as time, place, type of work, working conditions and quality and price of services. An indication of whether the employee leasing company performs this

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function can be found in the answer to the question: Prior to entering into the lease relationship, do the client and employee leasing company negotiate as to such matters as the number of shifts per work day, mandatory overtime, number of breaks and length of lunches?

- c) Notwithstanding any of the aforementioned functions, nothing herein shall limit the right of the employee leasing company to confer with its client concerning any of the aforementioned functions.

- d) If the employee leasing company does not perform all of the functions in subsection (b), then the client is the employer of the worker. There is a rebuttable presumption that the employee service company performs all of the functions in subsection (b) above unless:

- 1) the contract between the client and the employee service company indicates the client performs or has the right to perform one or more of the functions in subsection (b) above; or
- 2) a principal or officer of the client states to the Director or an employee of the Director that the client performs or has the right to perform one or more of the functions in subsection (b) above; or
- 3) the client has previously contracted with another employee service company and circumstances suggest that the client's decision to terminate its relationship with the other employee service company was principally motivated by a desire to avoid unemployment insurance contributions.

- e) Notwithstanding any other provision of this Section, the client shall always be the employer of the officers of a corporation as the term is used in its Articles of Incorporation or By-laws to the extent that the individual is providing services in the capacity of an officer. However, nothing in this subsection is intended to preclude an officer of a corporation, a sole proprietor of a business or a partner in a partnership from separately performing and being compensated for services performed as an employee of the leasing company.

Example: Mr. Smith is the vice-president for operations of Company A which leases its workers from Leasing Company X. To the extent that Mr. Smith performs the functions of a vice-president of Company A, his wages for such services must be reported by Company A. However, Mr. Smith may provide services to Leasing Company X other than those as an officer of Company A. To the extent that these services are provided to the Leasing Company, any wages for these services are to be reported by the Leasing Company.

- f) Nothing in this Section is intended to preclude the employee leasing company from performing the functions in subsection (b) through on-site supervisors whether or not such supervisors were previously employed by the client in the same or similar capacities. However, the employee leasing company must show that such individuals are its employees while performing the function of on-site supervisors in that, subject to subsection (c), it performs the functions in

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subsection (b) of this Section with respect to such individuals.

(Source: Amended at 21 Ill. Reg. 9452, effective 1/1/97)

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- 1) Heading of the Part: General Application
- 2) Code Citation: 56 Ill. Adm. Code 2712
- 3) Section Number: Adopted Action:
2712.1 New Section
- 4) Statutory Authority: 820 ILCS 405/802, 1700, 1701 and 1900.
- 5) Effective Date of Amendments: July 2, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this Rule contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: June 20, 1997
- 9) Notice of Proposal published in the Illinois Register: 21 Ill. Reg. 4136
- April 4, 1997
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference between proposal and final version: The only changes made were those requested by JCAR.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency rule currently in effect? No
- 14) Are there any amendments pending of this Part? No
- 15) Summary and purpose of amendments: The proposed Section 2712.1 would allow parties, effective January 1, 1998, to file protests or appeals by facsimile transmission, and the date of transmission would have the same effect as the date of a U.S. Postal Service postmark.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Gregory J. Ramel, Deputy Legal Counsel
Illinois Department of Employment Security
401 South State Street - 7th Floor South
Chicago, IL 60605
312-793-4240

The full text of the Adopted Amendment begins on the next page:

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TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER a: GENERAL PROVISIONS

PART 2712
GENERAL APPLICATION

SUBPART A: FACSIMILE MACHINES

Section
2712.1 Use Of Facsimile Machines

SUBPART B: DIGESTS AND REPORTERS

Section
2712.100 IDES Board Of Review Reporter
2712.105 Digest Of Adjudication Precedents

SUBPART C: LEGAL SERVICES PROGRAM

Section
2712.201 Definitions
2712.202 Agreement To Hold the Department Of Employment Security And Its Employees Harmless
2712.203 Eligibility Requirements For Legal Services For Individuals
2712.205 Eligibility Requirements For Legal Services For Small Employers
2712.207 Attorney Eligibility For Reimbursement
2712.210 Maximum Fees Allowed

AUTHORITY: Implementing and authorized by Sections 802, 1700, 1701 and 1900 of the Unemployment Insurance Act [820 ILCS 405/802, 1700, 1701, 1900].

SOURCE: Adopted at 10 Ill. Reg. 16679, effective September 23, 1986; amended at 13 Ill. Reg. 795, effective January 4, 1989; amended at 17 Ill. Reg. 3194, effective March 2, 1993; amended at 21 Ill. Reg. 4472, effective

SUBPART A: FACSIMILE MACHINES

Section 2712.1 Use Of Facsimile Machines

As of January 1, 1998, and notwithstanding any other provisions of this Chapter to the contrary, any document which is a response to or protest of a statement or notice that has been issued by the Department or the Director to which there are protest or appeal rights may be filed by facsimile transmission sent to the designated Department address. The date imprinted on the document by the Department's telefax machine shall have the same effect as the U.S. Postal

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Service's postmark. The individual or entity filing a document by telefax transmission bears the risk that the transmission will not be successful. The date imprinted on the transmission confirmation document by the sender's telefax machine may be presented as evidence of successful transmission and filing of the document.

(Source: Added at 21 Ill. Reg. 9472, effective January 1, 1998)

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1) Heading of the Part: Illinois Mobile Home Tiedown Code

2) Code Citation: 77 Ill. Adm. Code 870

3) Section Numbers: Adopted Action:

870.10 Amendment
870.20 Amendment
870.30 Amendment
870.40 Amendment
870.50 Amendment
870.60 Amendment
870.70 Amendment
870.70 Amendment
870.70 Amendment

4) Statutory Authority: Illinois Mobile Home Tiedown Act [210 ILCS 120]

5) Effective Date of Amendments: July 1, 1997

6) Does this Rulemaking Contain an Automatic Repeal Date? No

7) Does this Rulemaking Contain any Incorporation by Reference? No

8) Date Filed in Agency's Principal Office: July 1, 1997

9) Date Notice of Proposed Rulemaking was Published in the Illinois Register:
July 26, 1996; 20 Ill. Reg. 9831

10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking? No

11) Difference Between Proposal and Final Version: No substantive changes were made between proposal and final version.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee? All technical changes agreed upon by the Department and the Joint Committee have been made as indicated in the agreement letter issued by the Joint Committee.

13) Will the Rulemaking Replace an Emergency Rule Currently in Effect? No

14) Are there any other Amendments Pending on this Part? No

15) Summary and Purpose of Amendments: These rules establish requirements for the approval of tiedown equipment and the minimum number and type of ties required for the installation of mobile homes. The rulemaking revises certain definitions, revises requirements for Department approval of a manufacturer's tiedown equipment, and specifies tiedown installation

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procedures.

16) Information and Questions Regarding these Adopted Amendments shall be directed to:

Gail M. DeVito
Administrative Rules Coordinator
Division of Legal Services
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
(217) 782-2043

The full text of the Adopted Amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH
 CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
 SUBCHAPTER g: MOBILE HOMES

PART 870
 ILLINOIS MOBILE HOME TIEDOWN CODE ~~ACW~~

Section	Statutory Authority
870.10	Definitions
870.20	Tiedown Equipment Approval
870.30	Compliance
870.40	Tiedown Installation Requirements
870.50	Equipment Tiedown-Standards-and Specifications
870.60	Administrative Hearings Hearing
870.70	Minimum Number of Ties Required Per Side
TABLE A	

AUTHORITY: Implementing and authorized by the Illinois Mobile Home Tiedown Act [210 ILCS 120].

SOURCE: Adopted at 4 Ill. Reg. 25, p. 148, effective July 1, 1980; codified at 8 Ill. Reg. 17513; amended at 21 Ill. Reg. 9475, effective

Section 870.10 Statutory Authority

This Part is promulgated pursuant to authority granted by the Illinois Mobile Home Tiedown Act [210 ILCS 120] ~~Illinois Public Act-61-507~~.

(Source: Amended at 21 Ill. Reg. 9475, effective

Section 870.20 Definitions

In addition to the definitions contained in the Illinois Mobile Home Tiedown Act [210 ILCS 120] ~~Ill. Rev. Stat.:19037-ch-iii-1/2-pars-4401-et-seq-1~~ the following definitions shall apply:

Diagonal Tie. An anchor tie designed primarily to resist horizontal forces ~~stiding~~.

Frost Depth. The maximum depth that frost penetrates the earth in a given area.

Frost Heave. An upthrust of ground or pavement caused by freezing of moist soil.

Independent Testing Laboratory. An organization which:

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Primarily is interested in testing and evaluating equipment; and
 Is qualified and equipped to conduct and evaluate experimental testing in accordance with approved standards; and

Makes available a published report in which specific information is included stating that the equipment and installations have been tested and found safe for use in a specific manner; and

Is not under the jurisdiction or control of any manufacturer or supplier of any industry.

Length of a Mobile Home. The distance from the exterior of the front wall (nearest to the drawbar and coupling mechanism) to the exterior of the rear wall (at the opposite end of the home) where such walls enclose living or other interior space and such distance includes expandable rooms but not bay windows, porches, drawbars, couplings, hitches, ~~wall-and-room-extensions~~ or other attachments.

Mobile Home. Structure, transportable in one or more sections, which is eight body feet or more in width and is thirty-two body feet or more in length, and which is built on a permanent chassis, and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, ~~air-conditioning~~ and electrical systems contained therein. This term shall include single family residences constructed after June 1976 in accordance with the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C. 5401), regulated by the Federal Department of Housing and Urban Development. These structures are known as manufactured homes.

Permanent Foundation. A perimeter formation intended to support and anchor the unit to withstand the specified design loads. It shall consist of materials such as concrete, mortared concrete block or mortared brick, steel or treated lumber extending into the ground below the frost depth which shall include basements or crawl spaces.

Roof Protector. A device designed to prevent over-the-top straps from damaging or penetrating the roof material.

Site. The location where the mobile home is connected to the required utilities for habitation.

Tiedown Manufacturer. Any person or business engaged in the manufacturing of tiedown equipment which is offered for sale or use in this State.

Vertical Tie. A tie intended to primarily resist the uplifting and

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overturing forces.

(Source: Amended at 21 Ill. Reg. 6475, effective July 1, 1991)

Section 870.30 Tiedown Equipment Approval

a) Approval. Each tiedown manufacturer shall file with the Department a written request for approval to sell tiedown equipment in Illinois the State. The installation of such equipment shall not be permitted unless such equipment is approved by the Department. In order to obtain approval, each tiedown manufacturer must submit the following:

1) Detailed plans and specifications of all each model and tiedown equipment showing model identification number, pertinent dimensions, materials, and method of securing ties. Each drawing shall bear the seal of a registered Professional Engineer, attesting that the drawing accurately describes the anchor and tiedown as produced for sale or use;

2) Test data regarding the strength of all equipment destructability of each anchor model, which has been prepared and certified by a recognized independent testing laboratory, demonstrating that the anchor and all tiedown equipment meets the requirements of Section 870.60. Each piece of equipment must be tested a minimum of three times and shown to meet the requirements of Section 870.60. Double headed anchors must be tested for the combined vertical and horizontal loads.

3) Information as to the types of soil the anchor is certified to be installed in, and instructions as to the method of installation. Such instructions shall accompany all equipment each ground anchor. The instructions for installation must be consistent with the testing of the equipment especially with regard to the angle and depth of installation of ground anchors. The instructions for concrete anchors shall specify as a minimum the minimum amount of concrete required, the distance from the edge of the concrete and the compressive strength of the concrete. A copy of all and revisions to instructions must be submitted prior to the issuance of approval.

4) Each anchor shall be permanently marked with an identification number that is visible when the equipment is installed.

b) Individual tiedown Approval. An individual home owner, dealer, or installer who wishes to tie down a mobile home with a unique system or materials different from one approved under subsection (a) above must submit all such information on material specifications, strength of equipment, and system design to the Department for approval. The approval will be based upon the criteria specified in Section 870.60.

c) Evidence of Plan Approval. The tiedown manufacturer shall present evidence of Department approval to any installer upon request. Approval shall be evidenced by the letter of approval from the

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Department for the specific equipment.

d) Previous Approvals. All approvals issued by the Department previously for tiedown equipment shall become void on December 31, 1996. New approval must be obtained to sell tiedown equipment in Illinois after December 31, 1996, in accordance with the criteria in subsection (a) of this Section.

e) Compliance with Tiedown Standards: All tiedown equipment and methods of installation shall be in compliance with the tiedown standards contained in Section 870.50 and 870.60 of this Part.

(Source: Amended at 21 Ill. Reg. 6475, effective July 1, 1991)

Section 870.40 Compliance

a) Compliance with the Act: All mobile homes installed moved or set up on-site after January 1, 1980, must be tied down in accordance with this Part, the home manufacturer's instructions and the tiedown manufacturer's instructions the tiedown standards within thirty (30) days after the home is installed set up on the site.

b) In the case where frozen soil or wet soil prevents the installation of ground anchors, this thirty (30) day limit shall not apply. The home must, in this case, be anchored at the earliest possible date after the soil thaws or dries.

b) Installation Report: The owner of each mobile home shall file a tiedown installation report on forms provided by the Department within thirty (30) days from the date of installation.

(Source: Amended at 21 Ill. Reg. 6475, effective July 1, 1991)

Section 870.50 Tiedown Installation Requirements

a) Ties Tiedowns.

1) A diagonal tie is effected by tying to the frame member farthest from the anchor of each transportable unit. A vertical tie is effected by either tying to the frame member nearest the anchor, or utilizing internal (installed at the factory during construction) or external over-the-top ties. Over-the-top ties shall be placed directly over a stud and roof rafter. An optional vertical tie method may be effected by using over-the-top ties.

2) All mobile homes shall be secured have diagonal tiedowns and vertical ties installed in accordance with Table A of this Part. Only diagonal ties are required for double-wide mobile homes in accordance with Table A. Ties shall be evenly spaced as practicable along the length of the mobile home with not more than 6 feet open end spacing on each end.

3) Vertical ties may pass over the top of the stud and rafter

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location near each end of the mobile home. Vertical tie-downs may be installed under the skin at the factory or may be installed over the skin at the mobile home site. Any vertical tie may use the same anchors as the end diagonal ties.

3) If steel strapping is used, it must be secured around the I-beam using an approved appropriate connecting device. Care should be exercised to insure that minimum bending radius is adhered to, so that the breaking strength of the strapping is not reduced.

4) Ties shall not connect to steel outriggers, unless specifically stated in the home manufacturer's installation instructions.

5) The ties shall be secured to the I-beam of the home so that they will not become disconnected if the tension is loosened.

b) Anchors. Anchors shall be spaced as evenly as practicable along the length of the home and no anchor shall be greater than eight feet from an end of the home. Where a vertical tie and diagonal tie are located at the same place, both ties may be connected to a single anchor, if provided that the anchor used is capable of carrying both loads.

c) Frost Heave. The following measures shall be taken for the specific type of installation in order to prevent frost heave, which can cause damage to a home: Frost heave can have an adverse effect on the mobile home through displacement of the mobile home anchoring system. If a mobile home is located in an area subjected to frost heave, one of the following additional steps must be considered:

1) If the support system for the home does not extend below the frost depth but the anchors do, the ties shall be adjusted (loosened slightly in the fall and tightened in the spring) to compensate for the tension caused by the earth movement.

2) If the support system for the home extends below the frost depth but the anchoring system does not, the ties shall be tightened in the fall and loosened slightly in the spring.

3) If the anchoring system and the support system for the home both extend below the frost depth or neither extends below the frost depth, no provisions for frost heave are necessary.

4) Periodic maintenance shall be performed by the home owner through adjustment of the tie-down tension to insure that tension does not build up because of earth movement, or

5) Footers and the load-carrying portion of the ground anchors shall extend below the frost line, or

6) The mobile home shall be placed on a reinforced concrete pad.

d) Permanent Foundation. Homes installed on a permanent foundation are not required to comply with Table A if the foundation is constructed and the home anchored according to the requirements of the CABO One and Two Family Dwelling Code, 1995 Edition, published by the Council of American Building Officials. Copies of the code are available from the Building Officials and Code Administrators International, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois, 60478-5795.

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708/799-2300.

(Source: Amended at 21 Ill. Reg. 6475, effective 4/1/97)

Section 870.60 Equipment Tie-down Standards and Specifications

EQUIPMENT-

a) Tie materials shall be capable of resisting a force of 3,150 pounds with no more than 2 percent elongation and shall withstand at least 4,725 pounds without failure. Failure shall be considered to have occurred when the material is stretched beyond its elastic limit resulting in permanent deformation or breakage.

b) All cable ends shall be secured with at least two (2) U bolt type clamps or other fastening device.

c) Anchor equipment and ties shall be weather resistant. Weather resistance shall be at least equal to that provided by a coating of zinc on steel of not less than 0.30 ounces per square foot of surface.

d) Ties must terminate with a D-ring, bolt or other tensioning device that will not lower the material strength below that stated in subsection (a) above.

e) Sharp edges of the mobile home that would tend to cut the cable or strap (in over-the-top, on-site installations) when the home is buffeted by the wind must be protected by a thimble or other device that will prevent such cutting.

f) Each ground anchor, when installed, shall be capable of resisting a working load at least equal to 3,150 pounds in the direction of the tie plus a 50 percent overload (4,725 pounds) without failure. Double headed anchors must resist the vertical and horizontal loads simultaneously. Failure shall be considered to have occurred when the point of connection between the tie and anchor moves more than two inches at 4,725 pounds in the vertical or horizontal direction of the vertical tie and more than four inches horizontally at the point where the tie attaches to the anchor.

(Source: Amended at 21 Ill. Reg. 6475, effective 4/1/97)

Section 870.70 Administrative Hearings Hearing

Any request for a hearing and the conduct for such hearing shall be governed by the Illinois Department of Public Health Rules of Practice and Procedures in Administrative Hearings (77 Ill. Adm. Code 100).

(Source: Amended at 21 Ill. Reg. 6475, effective 4/1/97)

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Section 870.TABLE A Minimum Number of Ties Required Per Side

Length of Mobile Home (Feet)	Single Section Wide		Multi-Section Boultie-Wides	
	Number of Vertical Ties	Number of Diagonal Ties	Number of Diagonal Ties	
32-50	2	2	2	
51-75	2	3	3	
76-	2	4	4	

CAUTION:--See-Section-870-50(c)--Frost-Heave--
Notes

1. No vertical ties required for multi-section homes.
2. In addition to the above, a minimum of two vertical ties shall secure room expansion structures.
3. See Section 870.50(d) if the home is placed on a permanent foundation.

(Source: Amended at 21 Ill. Reg. 9475, effective 1/1/99)

- 1) Heading of the Part: Migrant Labor Camp Code
- 2) Code Citation: 77 Ill. Adm. Code 935
- 3) Section Numbers: Adopted Action:
935.15 New Section
935.20 Amendment
935.25 Amendment
935.30 Amendment
935.35 Amendment
935.40 Amendment
935.50 Amendment
935.60 Amendment
935.65 Amendment
935.70 Amendment
935.80 Amendment
935.85 Amendment
935.90 Amendment
935.100 Amendment
935.105 Amendment
- 4) Statutory Authority: Illinois Migrant Labor Camp Law [210 ILCS 110]
- 5) Effective Date of Amendments: July 1, 1997
- 6) Does this Rulemaking Contain an Automatic Repeal Date? No
- 7) Does this Rulemaking Contain an Incorporation by Reference? No
- 8) Date Filed in Agency's Principal Office: July 1, 1997
- 9) Date Notice of Proposed Rulemaking was Published in the Illinois Register: February 28, 1997; 21 Ill. Reg. 2829
- 10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking? No
- 11) Difference Between Proposal and Final Version: No substantive changes were made between proposal and final version.
- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee? All technical changes agreed upon by the Department and the Joint Committee have been made as indicated in the agreement letter issued by the Joint Committee.
- 13) Will the Rulemaking Replace an Emergency Rule Currently in Effect? No

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14) Are there any other Amendments Pending on this Part? No

15) Summary and Purpose of Amendments: This rulemaking establishes the specific administrative fine amount to be assessed for failure to correct violations of the Migrant Labor Camp Law or this Part. The rulemaking categorizes violations of specific requirements in the rules as type A, B, or C violations and specifies fine levels for each category.

16) Information and Questions Regarding these Adopted Amendments shall be directed to:

Gail M. DeVito
Administrative Rules Coordinator
Division of Legal Services
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
(217) 782-2043

The full text of the Adopted Amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER s: MIGRANT LABOR

PART 935
MIGRANT LABOR CAMP CODE

Section	Administration
935.10	Administrative Fines
935.15	Definitions
935.20	Incorporated and Referenced Materials
935.25	General Requirements
935.30	Permits
935.35	Camp Sites
935.40	Water Supply
935.50	Sewage Disposal
935.60	Required Sanitary Facilities
935.65	Food Preparation, Storage and Eating Facilities
935.70	Solid Waste Disposal
935.80	Electrical
935.85	Mechanical Equipment Lighting and Heating
935.90	Fire Protection
935.100	Communicable Disease Reporting
935.105	Exempt Establishments
935.110	Requirements for Camps Licensed to Operate-Bess
	than an Aggregate of 21-Days-Per-Calendar-Year
	Inspections and Variances
935.120	Complaints
935.130	

AUTHORITY: Implementing and authorized by the Illinois Migrant Labor Camp Law [210 ILCS 110].

SOURCE: Filed June 20, 1972, effective January 1, 1973; old rules repealed, new rules adopted and codified at 7 Ill. Reg. 16436, effective November 23, 1983; amended 94 84 14 Ill. Reg. 12633, effective July 20, 1990; amended at 21 Ill. Reg. 94 84, effective JUL 1 1990.

Section 935.15 Administrative Fines

a) General. In accordance with Section 11 of the Act, the Department shall assess administrative fines against any person who provides housing for migrant workers when the person fails to correct violations of the Act or this Part. Written notification of violations shall be provided by the Department and at least 10 days shall be allowed for making the corrections before any fine can be assessed.

b) Fine Levels. The amount of the fine shall be based on the severity of the violation and is indicated by the letter shown in parenthesis

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after the requirements specified in this Part. Multiple offenses of any specific requirement shall be subject to multiple fines. The amount of the fines shall be as follows:

- 1) Type A violations \$1,000
- 2) Type B violations \$500
- 3) Type C violations \$100

c) Notification. The Department shall send written notification by certified mail to the person against whom a fine has been assessed indicating any violation that was not corrected by the specified date. The amount of the fine(s), the date that the fine(s) must be paid, the address to send the payment and the procedure to follow should an administrative hearing be desired.

d) Hearings. All administrative hearings shall be conducted in accordance with the Department's Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).

e) Failure to Pay Fines. All fines must be paid within 45 days after notice of violation from the Department unless an administrative hearing is conducted. If an administrative hearing is conducted, any required fines must be paid within 45 days after notification of the final decision in the administrative hearing. Failure to pay any fine shall be grounds for initiation of license revocation or license denial.

(Source: Added at 21 Ill. Reg. 9484, effective 1-1-1997)

Section 935.20 Definitions

In addition to the definitions contained in the Illinois Migrant Labor Camp Law, the following definitions shall apply:

"Act" means the Illinois Migrant Labor Camp Law [210 ILCS 110] (411 Rev. Stat.:1909; Ch.:111-1/2; par.:105; i-et-seq.) and the amendments thereto.

"Community Water System" means a public water system which services at least 15 service connections used by residents or serves at least 25 residents for at least 60 days a year.

"Family" shall include the mother, father and dependent children under 18 years of age.

"Major Alteration" means the construction of a new potable water system, sewage disposal system, food service establishment, electrical distribution system or permanent sleeping structure.

"Major Extension" means an increase of ten percent or more in a one year period of the capacity of the potable water system, sewage

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disposal system, food service establishment, electrical distribution system or permanent sleeping structure.

"Non-Community Water System" means a public water system that is not a community water system, that has at least 15 service connections used by non-residents, or serves 25 or more non-resident individuals daily for at least 60 days a year.

"Public Water System" means a system for the provision to the public of piped water for human consumption, if the system has at least 15 service connections or serves an average of at least 25 individuals daily at least 60 days per year. The term Public Water System includes an collection, treatment, storage and distribution facilities under control of the operator of such system and any collection or pretreatment storage facilities not under such control which are used in connection with such system.

"Special Flood Hazard Area" means an area that would be inundated by the base flood and shown as such on either a Regulatory Flood Plain Map (published by the Illinois Department of Natural Resources Transportation's Division of Water-Resources), a Flood Insurance Rate Map or a Flood Hazard Boundary Map, both published by the Federal Insurance Administration or the Federal Emergency Management Agency.

(Source: Amended at 21 Ill. Reg. 9484, effective 1-1-1997)

Section 935.25 Incorporated and Referenced Materials

a) The following State regulations are referenced in this Part: State Regulations

1) Rules of the Pollution Control Board

A) 35 Ill. Adm. Code 601, 602, 603, 604, 605, 606, and 607; promulgated by the Illinois Pollution Control Board (Section 935.50(b)(1))

B) 35 Ill. Adm. Code 651, 652, 653 and 654; promulgated by the Illinois Environmental Protection Agency (Section 935.50(b)(1))

2) Rules of the Department of Public Health

A) 3) Control of Communicable Diseases Code, 77 Ill. Adm. Code 690; promulgated by the Illinois Department of Public Health (Section 935.105)

B) 4) Food Service Sanitation Code, 77 Ill. Adm. Code 750; promulgated by the Illinois Department of Public Health (Section 935.70(a))

C) 5) Illinois Plumbing Code, 77 Ill. Adm. Code 890; promulgated by the Illinois Department of Public Health (Sections 935.35(b)(9) and 935.35(d))

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- D)6† Drinking Water Systems Code, 77 Ill. Adm. Code 9007 promulgated by the Illinois Department of Public Health (Sections 935.50(a), (b)(2), (c)(2) and (3) and (c))
- E)7† Private Sewage Disposal Code, 77 Ill. Adm. Code 9057 promulgated by the Illinois Department of Public Health (Section 935.60(a)(1), (2) and (3))
- F)8† Illinois Water Well Construction Code, 77 Ill. Adm. Code 9207 promulgated by the Illinois Department of Public Health (Section 935.50(b)(3))
- G)9† Illinois Water Well Pump Installation Code, 77 Ill. Adm. Code 9257 promulgated by the Illinois Department of Public Health (Section 935.35(b)(3))
- H)10† Surface Source Water Treatment Code, 77 Ill. Adm. Code 9307 promulgated by the Illinois Department of Public Health (Section 935.35(b)(4))
- I)11† Rules of Practice and Procedure in Administrative Hearings, 77 Ill. Adm. Code 1007 promulgated by the Department of Public Health (Section 935.130(f))
- b) The following Illinois State Statutes are referenced in this Part:
- 1) Illinois Plumbing License Law [225 ILCS 320] Ill. Rev. Stat. 1989, ch. 117, par. 1101 et seq. (Section 935.50(d))
 - 2) Private Sewage Disposal Licensing Act [225 ILCS 225] Ill. Rev. Stat. 1989, ch. 117, par. 116-301 et seq. (Section 935.60(b))
 - 3) The Space Heating Safety Act [425 ILCS 65] Ill. Rev. Stat. 1989, ch. 127, par. 701 et seq. (Section 935.90(c))
 - 4) Smoke Detector Act [425 ILCS 60] Ill. Rev. Stat. 1989, ch. 127, par. 801 et seq. (Section 935.100(d))
 - 5) Gasoline Receiptacle Labeling Act [430 ILCS 20] "AN ACT prescribing the color and label for gasoline or benzol receptacles" Ill. Rev. Stat. 1989, ch. 127, par. 151 et seq. (Section 935.100(c))
 - 6) Gasoline Storage Act [430 ILCS 15] "AN ACT to regulate the storage, transportation, sale and use of gasoline and volatile oils" Ill. Rev. Stat. 1989, ch. 127, par. 153 et seq. (Section 935.100(c))
 - 7) Fire Investigation Act [425 ILCS 25] "AN ACT relating to the investigation and prevention of fire" Ill. Rev. Stat. 1989, ch. 127, par. 6 et seq. (Section 935.100(a))
 - 8) Illinois Migrant Labor Camp Law [210 ILCS 110] Ill. Rev. Stat. 1989, ch. 111, par. 105 et seq. (Section 935.20)
- c) The following materials are incorporated by reference in this Part:
- Other Materials**
- National Electrical Code, 1996 1990 Edition, published by the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269. A copy of this Code is on file in the central and regional offices of the Illinois Department of Public Health. (Section 935.85(a) and (b))

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(Source: Amended at 21 Ill. Reg. 0484, effective July 1, 1997)

Section 935.30 General Requirements

- a) Housing Unit Identification. The camp operator shall post on the front of each housing unit a permanent and legible number or letter. (C)
- b) Occupancy List.
 - 1) Each camp operator shall maintain a current list of all individuals residing in the camp and the housing unit they occupy. (C)
 - A† Name-of-each-occupant:
 - B† Housing-Unit:
 - 2) The list shall be kept by the camp operator and shall be available for inspection by the Department upon request. (C)
 - 3) The Department shall establish the maximum capacity for each housing unit located in a licensed camp.
 - c) Unapproved Housing Units. Housing units that are not approved for habitation shall be so posted in English and the native language of the occupants with forms provided by the Department. The entrances to such non-approved housing units shall be sealed or locked at all times except during periods of repair. (C)

(Source: Amended at 21 Ill. Reg. 0484, effective July 1, 1997)

Section 935.35 Permits

- a) General. Section 8 of the Act requires that the applicant submit plans be submitted to the Department and obtain a construction permit from the Department approved prior to the construction of constructing a new migrant labor camp or performing a major alteration or major extension to an existing migrant labor camp. (B)
- b) Plans. Two sets of plans showing the following information shall be submitted to the Department by the applicant to obtain a construction permit:
 - 1) Identification of the migrant labor camp involved and the person or organization preparing the drawings and specifications.
 - 2) A statement describing the scope of the work proposed and the anticipated time schedule.
 - 3) A plan showing location of all structures and improvements.
 - 4) Drawings and/or specifications for proposed buildings or structures that include all structural components and material specifications.
 - 5) Detailed drawings and specifications of proposed potable water source and distribution system, and a general drawing showing distances between components of the potable water system and

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- sources of potential contamination.
- 6) Detailed drawings and specifications of proposed sewage system construction, and a general arrangement drawing showing distances between components of the sewage system and potable water systems or bodies of surface water, and data showing estimated volume of sewage flow and soil percolation rates for absorption fields. When a permit has been obtained or applied for from the Environmental Protection Agency or a unit of local government for construction of a sewage disposal system, a copy of the permit or permit application shall be submitted.
 - 7) Detailed drawings and specifications for proposed food service establishment construction showing interior construction of the building, floors, walls and ceiling, as well as details of food handling equipment to be installed.
 - 8) Drawings of proposed electrical distribution system construction showing general arrangement, size and type of wiring, method of grounding, over-current protection and type of equipment.
 - 9) Drawings of proposed sewer and water piping within buildings showing size and location of piping, fittings, and fixtures, as well as materials of construction, in accordance with the Illinois Plumbing Code (77 Ill. Adm. Code 890).
 - 10) The maximum number of persons intended to occupy any new or remodeled housing unit shall be specified. This figure shall not exceed the capacity of the water and sewage systems provided.
 - c) Flood Hazard. Prior to the issuance of a construction permit, the permit applicant shall submit a completed "Special Flood Hazard Area Request Form" provided by the Department. If the site is within a Special Flood Hazard Area, the applicant shall forward to the Illinois Department of Natural Resources the Department of Natural Resources plans for the project. No project to be located in a Special Flood Hazard Area shall be issued a permit without a statement or a copy of the statement from the Department of Natural Resources that the construction complies with the requirements of Executive Order 79-4 dated May 31, 1979. Construction of such items as water wells, septic tanks, underground utilities, light poles, pavilions, playground equipment, sidewalks and driveways as specified in Statewide Permit Number 6 issued by the Illinois Department of Natural Resources, May 13, 1983 are exempt from the above requirements. (C)
 - d) Local Approval. Prior to construction of a new camp, major alteration or major extension of an existing camp, permits and zoning approval required by local health departments and zoning boards as well as other governmental units having jurisdiction shall be obtained by the permit applicant. (C)
 - e) Existing Facilities. A permit is not required when existing facilities are utilized for a migrant labor camp. Plans indicating the general location of all structures and utilities shall be submitted to the Department. The existing facilities will be inspected by the

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Department for compliance with this Part. Any violations identified during the inspection of the facilities shall be corrected, and the facilities shall be brought into essential compliance with this Part prior to the issuance of a license. (C)

- f) Repairs. A permit is not required to repair a facility in a licensed migrant labor camp or to correct a violation of this Part when such repair or correction is made to an existing facility and does not result in expansion of any existing appearance or structure.
- g) Minor Extensions and Alterations. Construction at a migrant labor camp less than a major extension or major alteration shall not require a permit. However, prior to initiating construction, the applicant shall advise in writing the regional office of the Department which serves the camp of the scope of the alteration. (C)
- h) EPA Approval. The construction of all community water supply systems and those surface discharge sewage disposal systems with flows greater than 1,500 gallons per day requires a construction permit from the Illinois Environmental Protection Agency. (C)

(Source: Amended 189, at 21 Ill. Reg. effective JUL 1 1991)

Section 935.40 Camp Sites

- a) Camp Location. Camp sites shall be well drained, free of weeds, insects and obnoxious odors and also free from depressions in which water may stand. Housing units shall not be located within 200 feet of swamps, sinks holes, or other surface collections of water unless mosquito control measures are undertaken. The site location shall not create hazardous traffic conditions. Each site shall be of a size to permit the spacing of buildings and vehicles to minimize fire hazards as required by Section 935.100(a). All housing units and areas where food is prepared or served shall be located at least 500 feet from livestock areas. (B)
- b) Maintenance of Camps. The camp shall be kept free of debris, tall vegetation, and abandoned equipment. (C)
- c) Housing Units.
 - 1) All structures intended for occupancy shall be structurally sound, be maintained to support the wind and snow loads and shall be waterproof. (A)
 - 2) All floors shall be of an impervious non-absorbent material that can be cleaned. The top of wooden floors shall be at least 12 inches above the ground level, except for structures occupied prior to April 3, 1980. (C)
 - 3) All walls and ceilings shall have be-ef a smooth finish that can be cleaned with soap and water. Any area subject to splash shall be made of an impervious material. Exposed studs and rafters are acceptable only for housing units occupied prior to January 1, 1990. All habitable rooms shall have a minimum 7 foot high

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- 4) Each room used for sleeping purposes shall contain at least 50 square feet of floor space per occupant except that camps occupied prior to April 3, 1980 shall have at least 40 square feet per person if bunk beds are used. A minimum of 100 square feet per person shall be provided in combined cooking and sleeping rooms except that a minimum of 60 square feet per person shall be provided for those camps occupied prior to April 3, 1980. (B)
- 5) All rooms except toilet rooms and kitchens shall be provided with windows, the total area of which shall be not less than one-tenth of the floor area. At least one-half of each window shall be so constructed that it can be opened for purposes of ventilation. Rooms without openable windows must have mechanical ventilation capable of producing a change of air every 30 minutes. (C)
- 6) All exterior openings shall be screened with 16-mesh material. All screen doors shall be equipped with self-closing devices. (C)
- 7) Beds, cots, or bunks, and suitable storage facilities such as wall lockers, closets or dressers for clothing and personal articles shall be provided in every room used for sleeping purposes. Six inches of clearance shall be provided between the floor and the bottom of all springs or mattresses. The minimum clear space between the lower and upper bunk shall be at least 27 inches. Triple-deck bunks are prohibited. For structures initially occupied after April 3, 1980, there shall be 36 inch separation between single beds and 48 inch separation between sets of bunk beds. (C)
- 8) Separate quarters shall be provided for each sex except in the case of family living quarters. A partitioned sleeping area for the husband and wife shall be enclosed from floor to a height of at least six feet, with a gap not to exceed four-4 4) inches at the floor being allowable. The entrance to the sleeping quarters shall be equipped with a curtain or door. (C)
- 9) The housing units shall be kept free of animal or insect vectors or pests. (B)
- d) Bedding.
- 1) The licensee shall be responsible for maintaining all bedding that is provided by the licensee ~~which he provides~~ in a clean and sanitary condition. (C)
 - 2) Sheets and pillow cases, when provided, shall be laundered at least once each week and before use by each new worker. (C)
 - 3) Blankets, when provided, shall be washed as often as necessary to maintain cleanliness, and at least annually. (C)
 - 4) Mattresses shall be provided and shall be covered with removable covers which shall be washed before use by each new worker. If mattresses and pillows cannot be cleaned, they shall be discarded. (C)

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- 5) If mattress bags are provided, they shall be washed at least once each operating season and before use by each new worker. The mattress filling shall be changed at the time the bags are washed. (C)
- (Source: Amended at 21 Ill. Reg. ~~64~~ 64 ~~3~~ 3 ~~4~~ 4 ~~1~~ 1 ~~1997~~ 1997)

Section 935.50 Water Supply

- a) Water Supply - General. The water supply for drinking, culinary, laundry and bathing purposes, as well as the distribution system for such water supply, shall be located, constructed, operated and maintained as required by the Department's Drinking Water Systems Code (77 Ill. Adm. Code 900), unless the water supply is a community water system as specified in subsection (b)(1) below. The water supply shall be capable of delivering 35 gallons per person per day. Water outlets shall be distributed throughout the camp in such a manner that no housing unit is more than 100 feet from a water tap if water is not piped to the individual unit. The licensee shall be responsible for providing hauled water when the quantity or quality does not meet the requirements of this Section. (A)
- b) Sources of potable water acceptable to the Department are as follows:
- 1) A community water system constructed, operated and sampled in accordance with 35 Ill. Adm. Code, Parts 601, 602, 603, 604, 605, 606, 607, 651, 652, 653 and 654.
 - 2) A non-community public water system constructed, operated and sampled in accordance with the Department's Drinking Water Systems Code (77 Ill. Adm. Code 900).
 - 3) A water well constructed, located and operated in accordance with the Illinois Water Well Construction Code (77 Ill. Adm. Code 920) and the Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925).
 - 4) A surface water system constructed and operated in compliance with the Department's Surface Source Water Treatment Code (77 Ill. Adm. Code 930).
- c) Sampling.
- 1) For all migrant labor camps not connected to a community water system, Department personnel shall collect water samples for coliform bacteria, nitrate and turbidity (for surface source water systems only) analyses at the time of the pre-occupancy license inspection. Department personnel shall collect a water sample at these facilities for coliform bacteria analysis during the required occupancy inspection of the facility.
 - 2) The licensee shall be responsible for collecting and returning any additional water samples required by the Drinking Water Systems Code (77 Ill. Adm. Code 900). (C)
 - 3) Water failing to meet the quality requirements of the Drinking

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Water Systems Code (77 Ill. Adm. Code 900) shall be made unavailable for use until determined to be in compliance by the Department. A water supply containing between 10 and 20 parts per million (ppm) of nitrate (N) may be used if it is posted by the owner or operator of the migrant labor camp stating in English and in the native language of the occupants that the water shall not be used for infants less than 6 months of age. The Department shall provide the necessary placards. (B)

d) Plumbing. All plumbing system construction or repair shall be performed by a licensed Illinois plumber as required by the Illinois Plumbing License Law [225 ILCS 320] ~~§§§-Rev-Stat-1989-CH-1117~~ ~~par-1101-et-seq-7~~, and shall be in accordance with the Department's Illinois Plumbing Code (77 Ill. Adm. Code 890). Leaks and otherwise malfunctioning plumbing shall be repaired. Existing plumbing shall meet the requirements of the Illinois Plumbing Code in effect at the time of installation. (B)

e) Hauled Water. Hauled water may be permitted during an emergency or to supplement the existing water supply. The requirements of the Department's Drinking Water Systems Code (77 Ill. Adm. Code 900) shall be met. (B)

(Source: Amended at 21 Ill. Reg. 9484, effective 11-1-1997)

Section 935.60 Sewage Disposal

a) General. All sewage generated within a migrant labor camp shall discharge into a sewage disposal system approved by the Illinois Environmental Protection Agency or a private sewage disposal system designed, constructed and maintained in accordance with the Private Sewage Disposal Code (77 Ill. Adm. Code 905). (A)

1) A construction permit must be obtained from the Department to construct a sewage disposal system designed to discharge to a subsurface seepage field or designed to discharge less than 1,500 gallons per day to the ground surface or to a body of water. (C)

2) If a sewage disposal system is designed to discharge 1,500 or more gallons per day to the ground surface or to a body of water, a permit for construction must be obtained from the Illinois Environmental Protection Agency. (C)

3) The effluent of all surface discharge sewage disposal systems shall meet the quality standards required by the Private Sewage Disposal Code (77 Ill. Adm. Code 905). (B)

b) License Requirements. Only persons licensed pursuant to the Private Sewage Disposal Licensing Act [225 ILCS 225] ~~§§§-Rev-Stat-1989-CH-1117-1727-par-116-901-et-seq-7~~ shall construct, install, repair, modify, maintain, clean or pump private sewage disposal systems. (C)

(Source: Amended at 21 Ill. Reg. 9484, effective 11-1-1997)

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Section 935.65 Required Sanitary Facilities

a) Toilets

1) A water closet, chemical toilet or privy seat shall be provided for each sex in the ratio of one for each 15 persons. (B)

2) Each toilet room shall be located so as to be accessible without any individual passing through any sleeping room. Toilet rooms shall have a window not less than 6 square feet in area opening directly to the outside area or be provided with mechanical ventilation. All outside openings shall be screened with 16-mesh material. No fixture, water closet, chemical toilet, or urinal shall be located in a room used for other than toilet purposes. (C)

3) A toilet room shall be located within 200 feet of the door of each sleeping room. No privy shall be closer than 100 feet to any sleeping room, eating room, or kitchen. (C)

4) Where the toilet rooms are shared, such as in multifamily shelters and in barracks type facilities, separate toilet rooms shall be provided for each sex. These rooms shall be distinctly marked "Men" and "Women" by signs printed in English and in the native language of the persons occupying the camp, or marked with easily understood pictures or symbols. If the facilities for each sex are in the same building, they shall be separated by solid walls or partitions extending from the floor to the roof or ceiling. (C)

5) Where toilet facilities serve more than one family, the number of water closets or privy seats provided for each sex shall be based on the maximum number of persons of that sex which the camp is designed to house at any one time, with a minimum of two toilets for any shared facility. (C)

6) Urinals constructed of non-absorbent materials may be substituted for men's toilet seats on the basis of one urinal for one toilet seat up to a maximum of one-third of the required toilet seats. The floor from the wall and for a distance not less than 15 inches measured from the outward edge of the urinals shall be constructed of materials impervious to moisture. Urinal troughs in privies shall drain freely into the pit or vault and the construction of this drain shall be such as to exclude flies and rodents from the pit. (C)

7) Each toilet facility shall be provided with artificial lighting equivalent to one-half watt of incandescent light per square foot. (C)

8) Toilet facilities shall be clean and free of structural damage. (B)

9) Refuse containers shall be provided and emptied daily. (C)

b) Handwashing Facilities

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- 1) One handwashing basin shall be provided for each family shelter or one for each six people or fraction thereof in shared facilities. (B)
- 2) Liquid or powdered soap shall be provided for each handwashing basin. Bar soap can be used when the basin is for family members only. (C)

c) Showers

- 1) There shall be a minimum of one showerhead with hot and cold running water per 10 persons or fraction thereof except that a minimum of one showerhead per 15 persons shall be provided for camps occupied prior to April 3, 1980. The showers shall be located within 300 feet of the housing unit. (B)
- 2) Showerheads shall be spaced at least 3 feet apart with a minimum of 9 square feet of floor space per unit. Dry dressing space shall be provided in shower rooms. Shower floors shall be constructed of non-absorbent, non-skid materials and sloped to a floor drain. The walls shall be smooth and impervious. Except in individual family units, separate shower facilities shall be provided for each sex. When shower facilities for both sexes are in the same building they shall be separated by a solid non-absorbent wall extending from the floor to ceiling, or roof, and shall be plainly designated "men" or "women" in English and the native language of the persons expected to occupy the housing, or marked with easily understood pictures or symbols. (B)
- 3) Showers shall be kept free of dirt and mildew. (C)

d) Laundry Facilities

Laundry facilities, supplied with hot and cold water under pressure, shall be made available for the use of all occupants. Laundry trays or tubs shall be provided in a ratio of one per 30 persons. Mechanical washers may be provided in a ratio of one per 50 persons in lieu of laundry trays, although a minimum of one laundry tray per 100 persons shall be provided in addition to the mechanical washers. (C)

(Source: Amended at 21 Ill. Reg. 9484, effective July 1, 1997)

Section 935.70 Food Preparation, Storage and Eating Facilities

- a) Commercial Operations. If the food is prepared by someone other than the residents of the migrant labor camp, the facility shall be constructed and operated in accordance with the Food Service Sanitation Code (77 Ill. Adm. Code 750). (A)
- b) Family Operations. If the food is prepared by the migrant workers or their family, the following shall be provided as a minimum:
 - 1) One stove burner or hot plate burner shall be provided for every five occupants. (C)
 - 2) Potable water and a basin shall be provided. (A)

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- 3) Mechanical refrigeration for the food shall be provided. (B)
- 4) A counter for food preparation and shelves or cabinets for the storage of food shall be provided. All food contact surfaces shall be impervious, smooth, and free of breaks, open seams, cracks, chips, pits and similar imperfections. (C)
- 5) Tables and seating facilities shall be provided for each person. (C)
- 6) Floors in kitchen and dining areas shall be non-absorbent and smooth. The walls adjacent to food preparation, cooking and cleaning areas shall be smooth and non-absorbent. (C)
- c) Separation. Food preparation and eating facilities serving more than one housing unit shall be located in a room or building separate from sleeping rooms or toilet rooms. (B)
- d) Communicable Disease. Persons with communicable disease shall not be allowed to prepare or otherwise handle food for anyone other than themselves. (A)

(Source: Amended at 21 Ill. Reg. 9484, effective July 1, 1997)

Section 935.80 Solid Waste Disposal

- a) General. The storage, collection and disposal of refuse produced in a camp shall be conducted so as to avoid the creation of conditions detrimental to public health, such as rodent harborage, insect-breeding areas, odors, air pollution and accidents. The camp shall be kept free of litter, abandoned equipment, and accumulations of rubbish, including flammable debris, and shall be maintained in a sanitary condition at all times. (B)
- b) Containers. All refuse which includes garbage, rubbish, bottles and tin cans shall be stored in water-tight containers constructed of a durable, non-absorbent material and having a tight-fitting lid. Such containers shall be maintained in a sanitary condition and in good repair at all times. Containers shall be provided as needed throughout the camp. Containers shall be placed on racks at least eight inches above the ground or on a pad of concrete or other impervious material. (C)
- c) Collection and Disposal. Refuse shall be disposed of at a sanitary landfill approved by the Illinois Environmental Protection Agency. There must be a minimum of one collection per week. (C)

(Source: Amended at 21 Ill. Reg. 9484, effective July 1, 1997)

Section 935.85 Electrical

- a) New Installations. Electrical wiring and appurtenances installed between after January 1, 1990 and July 1, 1997 shall comply with the

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1990 edition Edition of the National Fire Protection Association's National Electrical Code. Electrical wiring and appurtenances installed after July 1, 1997 shall comply with the 1996 edition of the National Electrical Code. (A)

b) Existing Installations. Electrical wiring and appurtenances installed prior to January 1, 1990 shall comply with the following:

- 1) The type and size of all conductors shall comply with the National Electrical Code in existence at the time of installation. (B)
- 2) All electrical distribution systems shall be protected against over-current by circuit breakers or fuses sized for the rated capacity of the conductors. Fuses and circuit breakers shall not have a larger rating than the receptacles they protect. (B)
- 3) There shall not be any open ground on any three wire system, open neutral, open hot conductors or reversed wiring conditions. (A)
- 4) All electrical connections shall be in accordance with the National Electrical Code in existence of the time of installation. No wiring shall be exposed that could cause personal injury. (B)
- c) Maintenance. All electrical equipment shall be installed and maintained in accordance with the manufacturer's requirements. (B)
- d) Lighting. Artificial lighting equivalent to one watt of incandescent light per square foot of floor area shall be provided in all rooms except toilet rooms which shall be provided an equivalent of one half watt per square foot. Exterior lighting shall be provided for the entrance to all buildings which are part of the camp. (C)

(Source: Amended at 21 Ill. Reg. 9484, effective

Section 935.90 Mechanical Equipment

- a) Heating Equipment. All rooms except privies and storage sheds shall be provided with operable heating equipment capable of maintaining a temperature of at least 70° Fahrenheit if the camp operates when the outside temperature is below 50° Fahrenheit. (B)
- b) Installation and Maintenance. All mechanical equipment shall be installed and maintained in accordance with the manufacturer's instructions. (B)
- c) Vents. Heating appliances, including space heaters, other than electrical and kerosene fueled, shall be vented to the atmosphere outside of the building. All metal vents, flues, or stovepipes shall be insulated with a noncombustible material at all points of contact with combustible materials in walls, ceilings, or roofs. (A)
- d) Noncombustible Slab. Electrical or fuel-fired hot plates or stoves for cooking, mounted on a table of combustible materials, shall be placed on a slab of noncombustible material extending at least 18 inches beyond the perimeter of the base of the stove or appliance.

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- e) Space Heaters. Portable space heaters shall have an automatic shut-off that is activated if the unit is tipped over. The requirements of the Space Heating Safety Act [425 ILCS 65] (Ill. Rev. Stat. 1987, ch. 127-1/2, par. 701-et-seq.) shall be met for kerosene fueled heaters. (B)

(Source: Amended at 21 Ill. Reg. 9484, effective

Section 935.100 Fire Protection

- a) Codes. All buildings in which people sleep or eat shall be constructed and maintained in accordance with the Fire Investigation Act [425 ILCS 2510] "AN-Act-retating-to-the-investigation-and-prevention-of-fire" (Ill. Rev. Stat. 1989, ch. 127-1/2, par. 6-et-seq.) and local fire safety laws. (A)
- b) Means of Egress. In housing units of one story construction, 2 means of escape shall be provided. One of the means of escape may be a window with an openable space of not less than 24 x 24 inches and the sill within 44 inches from the floor. Sleeping quarters and common assembly rooms on the second story shall have a stairway, and a permanent, affixed exterior ladder or second stairway. (B)
- c) Fuel Storage. Migrant labor camps shall comply with the applicable provisions of the Gasoline Receptacle Labeling Act [430 ILCS 2010] and the Gasoline Storage Act [430 ILCS 1510] "AN-Act-prescribing-the-color-and-label-for-gasoline-or-benzol-receptacles" (Ill. Rev. Stat. 1989, ch. 127-1/2, par. 151-et-seq.) and "AN-Act-to-regulate-the-storage-transportation, sale-and-use-of-gasoline-and-volatile-oils" (Ill. Rev. Stat. 1987, ch. 127-1/2, par. 153-et-seq.) and any applicable rules adopted pursuant thereto. (B)
- d) Smoke Detectors. Smoke detectors shall be provided in living areas in accordance with the Smoke Detector Act [425 ILCS 60]. (Ill. Rev. Stat. 1989, ch. 127-1/2, par. 801-et-seq.) (B)
- e) Fire Protection Equipment. A minimum of one 4-lb dry chemical ABC fire extinguisher shall be located within 100 feet of each living unit and maintained in a charged and ready to use condition. Compliance may also be achieved for family units by having one residential type fire extinguisher in each unit. The manufacturer's instructions for use of the fire extinguishers shall be explained to each occupant upon commencement of occupancy. (B)
- f) Emergency Telephone Service. A telephone for emergency use shall be available at all times. The telephone number of the nearest fire department, law enforcement agency, hospital and ambulance service or the established universal emergency number shall be prominently posted near the telephone. (C)

(Source: Amended at 21 Ill. Reg. 9484, effective

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Section 935.105 Communicable Disease Reporting

The licensee shall report any known cases of suspected food poisoning or unusual prevalence of any illness in which fever, diarrhea, sore throat, vomiting or jaundice is a prominent symptom. This information shall be reported by telephone within one business day to the local health department or the Illinois Department of Public Health, 217/782-5830. Section 690.100 of the Department's Control of Communicable Disease Code (77 Ill. Adm. Code 690) contains reporting requirements for diagnosed communicable diseases. (A)

(Source: Amended at 21 Ill. Reg. 543482, effective _____)

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1) Heading of the Part: Child Care2) Code Citation: 89 Ill. Adm. Code 503) Section Numbers: Emergency Action:

50.101, 50.110, 50.120, 50.130	New Section
50.210, 50.220, 50.230	New Section
50.240, 50.250, 50.310, 50.320	New Section
50. TABLE A, 50. TABLE B	New Section

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Section 402 of the Social Security Act as revised by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193) and P. A. 90-175) Effective Date of Amendments: July 1, 19976) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable7) Date Filed in Agency's Principal Office: July 1, 19978) Reason for Emergency: In July 1996, Governor Edgar signed legislation creating the new Department of Human Services (DHS), effective July 1, 1997. The new agency will provide more effective and efficient delivery of human services to assist needy families in Illinois reach self-sufficiency. To create DHS, several agencies are being reorganized to consolidate the delivery of human services to clients.

Pursuant to provisions of Public Act 89-507, a number of programs and functions of the Department of Public Aid are being merged into the newly-created DHS. Rules of the Department of Public Aid and the Department of Children and Family Services governing child care are being made the rules of the Department of Human Services as a result of this emergency rulemaking. Emergency rulemaking is necessary to establish child care rules for DHS, effective July 1, 1997. Public Act 90-17 specifically authorizes the use of emergency rulemaking to implement these changes.

9) Complete Description of the Subjects and Issues Involved: In conjunction with the formation of the Department of Human Services (DHS), this rulemaking adds child care rules for the newly-created DHS. These child care rules are intended to replace the current Department of Public Aid (DPA) and Department of Children and Family Services (DCFS) child care rules. This new child care program is authorized by P. A. 90-17. It is an income-based program which also requires clients to contribute to the cost of care based on income and family size. This rulemaking is being

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adopted on an emergency basis effective July 1, 1997.

- 10) Are there any Proposed Amendments pending to this Part? No
- 11) Statement of Statewide Policy Objectives: These emergency amendments do not affect units of local government.
- 12) Information and questions regarding these Emergency Rules shall be directed to:

Name: Judy Umunna
 Address: Bureau of Rules and Regulations
 Illinois Department of Human Services
 100 South Grand Avenue East, Third Floor
 Springfield, Illinois 62762
 Telephone: (217) 524-3217

The full text of the Emergency Rules begins on the next page:

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TITLE 89: SOCIAL SERVICES
 CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
 SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 50
 CHILD CARE

SUBPART A: GENERAL PROVISIONS

Section
 50.101 Incorporation by Reference
 EMERGENCY
 50.110 Participant Rights and Responsibilities
 EMERGENCY
 50.120 Notification of Available Services
 EMERGENCY
 50.130 Child Care Overpayments and Recoveries

SUBPART B: APPLICABILITY

Section
 50.210 Child Care
 EMERGENCY
 50.220 Method of Providing Child Care
 EMERGENCY
 50.230 Child Care Eligibility
 EMERGENCY
 50.240 Qualified Provider
 EMERGENCY
 50.250 Additional Service to Secure or Maintain Child Care
 EMERGENCY

SUBPART C: PAYMENT RATES AND FEES

Section
 50.310 Rates of Payment for Child Care
 EMERGENCY
 50.320 Fees for Child Care Services
 EMERGENCY
 50.TABLE A Child Care Payment Rates
 EMERGENCY
 50.TABLE B Maximum Annual Income and Parent Fee by Family Size, Income Level and Number of Children Receiving Care
 EMERGENCY

AUTHORITY: Implementing Articles I through IX and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IX and 12-13].

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SOURCE: Emergency rules adopted at 21 Ill. Reg. 3502 --, effective July 1, 1997, for a maximum of 150 days.

SUBPART A: GENERAL PROVISIONS

Section 50.101 Incorporation By Reference EMERGENCY

Any rules or regulations of an agency of the United States or of a nationally recognized organization or association that are incorporated by reference in this Part are incorporated as of the date specified, and do not include any later amendments or editions.

Section 50.110 Participant Rights and Responsibilities EMERGENCY

a) Hearings

1) Persons receiving child care services can request hearings, as provided at 89 Ill. Adm. Code 104, Subpart A, as appropriate, on issues concerning the appropriateness of, denial of, prompt issuance of, or intended actions to discontinue, terminate, suspend or reduce child care assistance under this Part.

2) Assistance under this Subpart will not be continued at the previous level pending a hearing.

b) Child care services received by a family must be reasonably related to the hours of training or employment.

c) Parents or other relatives may choose their child care arrangements, but payments will be subject to all appropriate rules.

d) Parents or other relatives are responsible to provide income verification and all other information required by the Department in order to determine eligibility for child care services.

e) Parents or other relatives are responsible to report all changes in income, employment, family size, number of children receiving care or any other factor that would affect eligibility for child care services to the Department or the Child Care Resource and Referral agency. The Department may schedule a redetermination at any time upon receiving information that could affect eligibility for child care services.

f) Parents or other relatives must avail themselves of all other available child care services including child care available from the Department of Children and Family Services.

Section 50.120 Notification of Available Services EMERGENCY

a) The Department or its agents will notify, in writing, all applicants for and families receiving services of programs and supportive services available to them for which they are eligible, and the

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rights, responsibilities and obligations of participants in the program.

b) The Department or its agents will respond to a request for child care within 45 days from the date the request is received by the Department or its agents.

Section 50.130 Child Care Overpayments and Recoveries EMERGENCY

The Department will recover overpayments from providers or parents and other relatives, as appropriate, through demand letters, referrals to the Comptroller's Office for withholding, referrals to collection agencies, reductions in future payments or public assistance benefits, or other means determined by the Department to be effective.

SUBPART B: APPLICABILITY

Section 50.210 Child Care EMERGENCY

a) To the extent resources permit, the Department shall provide child care services:

- 1) to parents or other relatives who are working; and
- 2) to parents or other relatives who are participating in employment, training, or education programs approved by the Department.

b) The term "parents or other relatives" encompasses the applicant, applicant's spouse (if any), and the natural or adopted children living in the same household. Other persons related by blood or law and living in the same household shall be counted in the family size if they are dependent upon the family income for more than 50 percent of their support. A child dependent upon the family income for more than 50 percent of his or her support who is a full-time student and age 21 or under shall be counted in the family size even when away at school, provided he or she has not established legal residence outside the family household.

Section 50.220 Method of Providing Child Care EMERGENCY

Child care may be provided through one of the following methods:

- a) direct payment to the clients for child care costs;
- b) arranging the child care through eligible providers by use of purchase of service contracts or vouchers;
- c) arranging with other agencies and community volunteer groups for non-reimbursed child care; and
- d) adopting such other arrangements as the Department determines

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appropriate.

Section 50.230 Child Care Eligibility**EMERGENCY**

a) Child care services are restricted to children under the age of 13 or to children under the age of 20 who are under court supervision or have physical or mental incapacities as documented by a statement from a local health provider or other health professional.

b) Parents and other relatives eligible to receive child care services include:

1) Recipients of Temporary Assistance for Needy Families (TANF) under Article IV of the Public Aid Code participating in work and training activities as specified in their personal plans for employment and self-sufficiency and have been approved for child care benefits by the Department and who meet the annual income ceilings in subsection (b)(2) of this Section.

2) Working families whose annual incomes do not exceed the following amounts by family size:

<u>Family Size</u>	<u>Annual Income</u>
2	\$17,663
3	\$21,819
4	\$25,975
5	\$30,131
6	\$34,288
7	\$35,067
8	\$35,846

3) Families who are receiving child care services on July 1, 1997, in order to work or attend school (up to and including the acquisition of a BA degree) and whose annual incomes do not exceed the following amounts by family size:

<u>Family Size</u>	<u>Annual Income</u>
2	\$21,234
3	\$26,230
4	\$31,266
5	\$36,223
6	\$41,218
7	\$42,155
8	\$43,092

Such families are eligible to receive these services through June 30, 1998, at which point they must be eligible under subsection (b) of this Section to receive services.

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c) All families must be residents of Illinois.

Section 50.240 Qualified Provider**EMERGENCY**

a) Payment will be made for child care that otherwise meets the requirements of this Section and meets applicable standards of State and local law and regulation, including but not limited to, licensure requirements promulgated by the Department of Children and Family Services (DCFS) at 89 Ill. Adm. Code: Chapter I, Subchapter (e), and Fire Prevention and Safety requirements promulgated by the Office of the State Fire Marshall at 41 Ill. Adm. Code 100, and is provided in any of the following:

- 1) Licensed Day Care Center;
- 2) Day Care Center Exempt from Licensing;
- 3) Licensed Day Care Home;
- 4) Licensed Group Day Care Home;
- 5) Day Care Home Exempt from Licensing: (No more than three unrelated children may be cared for, including the provider's own children, unless all children are from the same household);
- 6) Relative Exempt from Licensing: (Care provided in the home of a relative. No more than three children may be cared for, including the provider's own children, unless all children are from the same household);
- 7) Non-relative Exempt from Licensing: (Care provided in the home of the child. No more than three children may be cared for, including the provider's own children, unless all children are from the same household); and
- 8) Relative Exempt from Licensing: (Care provided in the home of the child. No more than three children may be cared for, including the provider's own children, unless all children are from the same household.)

b) Payments will not be made to a provider who is the child's mother or father, or to a step-parent who is currently married to the child's parent and is living in the same household as the child, or to any provider who is included in the same public assistance grant as the child (for those families receiving such assistance).

c) Payments will not be made to a provider (even if operating within a setting exempt from licensing) who has been convicted of crimes enumerated in 89 Ill. Adm. Code, Chapter III, Part 385, Subchapter d, Background Checks.

Section 50.250 Additional Service to Secure or Maintain Child Care**EMERGENCY**

The Department will provide payments to secure or maintain a child care arrangement for a period not to exceed one month where child care arrangements would otherwise be lost and the subsequent employment or activity is scheduled

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to begin within that period.

SUBPART C: PAYMENT RATES AND FEES

Section 50.310 Rates of Payment for Child Care EMERGENCY

Rates of payment for child care will be made in amounts not to exceed the maximum rates per child as illustrated in Section 50.TABLE A.

Section 50.320 Fees for Child Care Services EMERGENCY

All parents must share in the cost of child care as illustrated in Section 50.TABLE B. These parent fees will be explained to parents beginning in July 1997 and will be collected beginning in October 1997.

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Section 50.TABLE A CHILD CARE PAYMENT RATES EMERGENCY

GROUP I COUNTIES

	Under 2 1/2		2 1/2 and Older		School Age Day
	Full Day	Part Day	Full Day	Part Day	
Licensed & License Exempt Day Care Center 760, 761	\$31.99	\$16.00	\$17.26	\$8.63	\$11.22
Licensed Day Care Home or Licensed Group Day Home 762, 763	\$18.13	\$9.07	\$13.30	\$6.65	N/A

GROUP II & III COUNTIES

	Under 2 1/2		2 1/2 and Older		School Age Day
	Full Day	Part Day	Full Day	Part Day	
Licensed & License Exempt Day Care Center 760, 761	\$23.08	\$11.54	\$15.65	\$7.83	\$10.17
Licensed Day Care Home or Licensed Group Day Home 762, 763	\$15.72	\$17.86	\$12.07	\$6.04	N/A

ALL COUNTIES

All Children Full Day Part Day

License Exempt Day Care Home,
Non-Relative in Child's Home
or Relative 764, 765, 766, 767

\$8.98 \$4.49

*The counties in Group I are:

Boone	Kane	Ogle
Champaign	Kankakee	Whiteside
Cook	Kendall	Winnebago
DeKalb	Lake	Woodford
DuPage	McHenry	

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All other counties use the rates for Group II & III Counties.

**You cannot charge a Public Aid client a higher rate than you charge your private paying clients.

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Section 50.TABLE B MAXIMUM ANNUAL INCOME AND PARENT FEE BY FAMILY SIZE, INCOME LEVEL AND NUMBER OF CHILDREN RECEIVING CARE EMERGENCY

MONTHLY FEE FOR NUMBER OF CHILDREN IN CARE FOR FAMILY SIZE OF 2

Gross Annual Income	1
\$ 0 - 3,533	\$ 4.33
3,534 - 5,299	13.00
5,300 - 7,065	21.67
7,066 - 8,832	34.66
8,833 - 10,598	47.66
10,599 - 12,364	65.00
12,365 - 14,131	86.66
14,132 - 15,897	108.33
15,898 - 17,663	134.32

Grandfathered Cases 10/01/97 - 6/30/98

\$17,664 - 19,430	\$160.32
19,431 - 21,234	190.65

MONTHLY FEE FOR NUMBER OF CHILDREN IN CARE FOR FAMILY SIZE OF 3

Gross Annual Income	1	2
\$ 0 - 4,564	\$ 4.33	\$ 8.67
4,565 - 6,546	13.00	17.33
6,547 - 8,728	21.67	30.33
8,729 - 10,910	34.66	52.00
10,911 - 13,092	47.66	73.66
13,093 - 15,274	65.00	112.66
15,275 - 17,456	86.66	147.32
17,457 - 19,638	108.33	190.65
19,639 - 21,819	134.32	233.98

Grandfathered Cases 10/01/97 - 6/30/98

\$21,820 - 24,001	\$160.32	\$281.65
24,002 - 26,230	190.65	337.97

MONTHLY FEE FOR NUMBER OF CHILDREN IN CARE FOR FAMILY SIZE OF 4

Gross Annual Income	1	2	3
\$ 0 - 5,195	\$ 4.33	\$ 8.67	\$ 8.67
5,196 - 7,793	13.00	17.33	17.33

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7,794 - 10,390	21.67	30.33	34.66
10,391 - 12,988	34.66	52.00	52.00
12,989 - 15,585	47.66	73.66	77.99
15,586 - 18,183	65.00	112.66	121.32
18,184 - 20,780	86.66	147.32	155.99
20,781 - 23,378	108.33	190.65	199.32
23,379 - 25,975	134.32	233.98	246.98

Grandfathered Cases 10/01/97 - 6/30/98

\$25,976 - 28,573	\$160.32	\$281.65	\$298.98
28,574 - 31,266	190.65	337.97	355.31

MONTHLY FEE FOR NUMBER OF CHILDREN IN CARE FOR FAMILY SIZE OF 5

Gross Annual Income	1	2	3	4
\$ 0 - 6,026	\$ 4.33	\$ 8.67	\$ 8.67	\$ 8.67
6,027 - 9,039	13.00	17.33	17.33	21.67
9,040 - 12,053	21.67	30.33	34.66	34.66
12,054 - 15,066	34.66	52.00	52.00	56.33
15,067 - 18,079	47.66	73.66	77.99	82.33
18,080 - 21,092	65.00	112.66	121.32	125.66
21,093 - 24,105	86.66	147.32	155.99	164.65
24,106 - 27,118	108.33	190.65	199.32	212.32
27,119 - 30,131	134.32	233.98	246.98	259.98

Grandfathered Cases 10/01/97 - 6/30/98

\$ 30,132 - 33,145	\$160.32	\$281.65	\$298.98	\$316.31
33,146 - 36,223	190.65	337.97	355.31	372.64

MONTHLY FEE FOR NUMBER OF CHILDREN IN CARE FOR FAMILY SIZE OF 6

Gross Annual Income	1	2	3	4	5
\$ 0 - 6,858	\$ 4.33	\$ 8.67	\$ 8.67	\$ 8.67	\$ 8.67
6,859 - 10,286	13.00	17.33	17.33	21.67	21.67
10,287 - 13,715	21.67	30.33	34.66	34.66	39.00
13,716 - 17,144	34.66	52.00	52.00	56.33	60.66
17,145 - 20,573	47.66	73.66	77.99	82.33	86.66
20,574 - 24,001	65.00	112.66	121.32	125.66	134.32
24,002 - 27,430	86.66	147.32	155.99	164.65	173.32
27,431 - 30,859	108.33	190.65	199.32	212.32	220.98
30,860 - 34,288	134.32	233.98	246.98	259.98	272.98

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Grandfathered Cases 10/01/97 - 6/30/98

\$34,289 - 37,716	\$160.32	\$281.65	\$298.98	\$316.31	\$329.31
37,717 - 41,218	190.65	337.97	355.31	372.64	394.30

MONTHLY FEE FOR NUMBER OF CHILDREN IN CARE FOR FAMILY SIZE OF 7

Gross Annual Income	1	2	3	4	5	6
\$ 0 - 7,013	\$4.33	\$8.67	\$8.67	\$8.67	\$8.67	\$8.67
7,014 - 10,520	13.00	17.33	17.33	21.67	21.67	21.67
10,521 - 14,027	21.67	30.33	34.66	34.66	39.00	39.00
14,028 - 17,533	34.66	52.00	52.00	56.33	60.66	65.00
17,534 - 21,040	47.66	73.66	77.99	82.33	86.66	90.99
21,041 - 24,547	65.00	112.66	121.32	125.66	134.32	138.66
24,548 - 28,054	86.66	147.32	155.99	164.65	173.32	181.99
28,055 - 31,560	108.33	190.65	199.32	212.32	220.98	233.98
31,561 - 35,067	134.32	233.98	246.98	259.98	272.98	285.98

Grandfathered Cases 10/01/97 - 6/30/98

\$35,068 - 38,574	\$160.32	\$281.65	\$298.98	\$316.31	\$329.31	\$346.64
38,575 - 42,155	190.65	337.97	355.31	372.64	394.30	411.64

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1) Heading of the Part: General Administrative Provisions

2) Code Citation: 89 Ill. Adm. Code 10

3) Section Numbers:
 10.101, 10.110, 10.120, 10.130
 10.140, 10.210, 10.270, 10.280
 10.281, 10.282, 10.284, 10.290
 10.295, 10.300, 10.310, 10.320
 10.330, 10.340, 10.350, 10.360
 10.370, 10.380, 10.415, 10.420
 10.430, 10.438, 10.440

Emergency Action:
 New Section
 New Section
 New Section
 New Section
 New Section
 New Section
 New Section

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 89-507

5) Effective Date of Amendments: July 1, 1997

6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable

7) Date Filed in Agency's Principal Office: July 1, 1997

8) Reason for Emergency: In July 1996, Governor Edgar signed legislation creating the new Department of Human Services (DHS), effective July 1, 1997. The new agency will provide more effective and efficient delivery of human services to assist needy families in Illinois reach self-sufficiency. To create DHS, several agencies are being reorganized to consolidate the delivery of human services to clients.

Pursuant to provisions of Public Act 89-507, a number of programs and functions of the Department of Public Aid are being merged into the newly created DHS. Rules of the Department of Public Aid governing these programs and functions are being made the rules of the Department of Human Services as a result of this emergency rulemaking. Emergency rules are necessary to codify rules for DHS, effective July 1, 1997.

9) Complete Description of the Subjects and Issues Involved: In conjunction with the formation of the Department of Human Services (DHS), this emergency rulemaking adds provisions from the current rules of the Department of Public Aid (DPA) which need to be utilized by both agencies. To minimize confusion, the numbering of the new Sections has been designed to reflect the numbering of the provisions from which the provisions are taken whenever possible.

Subpart A (Applicability and Definitions) includes the following Sections taken from current provisions of Department of Public Aid rules at 89 Ill. Adm. Code 101. The provisions of Sections 10.120, 10.130 and 10.140

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reflect the emergency changes in Sections 101.20, 101.30 and 101.40 which were adopted effective July 1, 1997, for the Temporary Assistance for Needy Families (TANF) program.

New DHS Rules	Source in DPA Rules
Section 10.101	Section 101.1
Section 10.110	Section 101.10
Section 10.120	Section 101.20
Section 10.130	Section 101.30
Section 10.140	Section 101.40

Subpart B (Rights and Responsibilities) includes the following Sections taken from current provisions of Department of Public Aid rules at 89 Ill. Adm. Code 102.

New DHS Rules	Source in DPA Rules
Section 10.210	Section 102.10
Section 10.270	Section 102.70
Section 10.280	Section 102.80
Section 10.281	Section 102.81
Section 10.282	Section 102.82
Section 10.284	Section 102.84
Section 10.290	Section 102.90
Section 10.295	Section 102.120
Section 10.300	Section 102.200
Section 10.310	Section 102.210
Section 10.320	Section 102.220
Section 10.330	Section 102.230
Section 10.340	Section 102.240
Section 10.350	Section 102.250
Section 10.360	Section 102.260
Section 10.370	Section 102.270
Section 10.380	Section 102.280

Subpart C (Application Process) includes the following Sections taken from current provisions of Department of Public Aid rules at 89 Ill. Adm. Code 110.

New DHS Rules	Source in DPA Rules
Section 10.415	Section 110.15
Section 10.420	Section 110.20
Section 10.430	Section 110.30
Section 10.438	Section 110.38
Section 10.440	Section 110.40

10) Are there any Proposed Amendments pending to this Part? No

11) Statement of Statewide Policy Objectives: These emergency rules do not

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affect units of local government.

- 12) Information and questions regarding these Emergency Rules shall be directed to:

Judith Umunna
Illinois Department of Human Services
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
(217) 524-3217

The full text of the Emergency Rules begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 10

GENERAL ADMINISTRATIVE PROVISIONS

SUBPART A: APPLICABILITY AND DEFINITIONS

Section	Incorporation by Reference
10.101	EMERGENCY
10.110	Applicability
10.120	Definitions
10.130	Assistance Programs
10.140	Assistance Program Restrictions
EMERGENCY	

SUBPART B: RIGHTS AND RESPONSIBILITIES

Section	Rights of Clients
10.210	EMERGENCY
10.270	Notice to Client
10.280	Right to Appeal
10.281	Continuation of Assistance Pending Appeal
10.282	Time Limit for Filing an Appeal
10.284	Child Care
10.290	Voluntary Repayment of Assistance
10.295	Correction of Underpayments
10.300	Recovery of Assistance
10.310	Estate Claims
10.320	Real Property Liens
10.330	Filing and Renewal of Liens
10.340	Foreclosure of Liens
EMERGENCY	

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EMERGENCY

10.350 Release of Liens

EMERGENCY

10.360 Personal Injury Claims

EMERGENCY

10.370 Convictions of Fraud - Eligibility

EMERGENCY

10.380 Single Conviction of Fraud - Administrative Review Board

EMERGENCY

SUBPART C: APPLICATION PROCESS

Section

10.415

EMERGENCY Local Office Action on Application for Public Assistance

EMERGENCY

10.420 Time Limitations on the Disposition of an Application

EMERGENCY

10.430 Approval of an Application and Initial Authorization of Financial

EMERGENCY

10.438 General Assistance and Aid to the Medically Indigent Special

EMERGENCY

10.440 Approval Provisions

EMERGENCY

10.440 Denial of an Application

EMERGENCY

AUTHORITY: Implementing Articles I through IX and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IX and 12-13].

SOURCE: Emergency rules adopted at 21 Ill. Reg. 9515, effective July 1, 1997, for a maximum of 150 days.

SUBPART A: APPLICABILITY AND DEFINITIONS

Section 10.101 Incorporation By Reference

EMERGENCY

Any rules or regulations of an agency of the United States or of a nationally recognized organization or association that are incorporated by reference in this Part are incorporated as of the date specified and do not include any later amendments or editions.

Section 10.110 Applicability

EMERGENCY

- a) These Rules apply to activities of the Illinois Department of Human Services and local governmental units in administering those programs and activities authorized by the Illinois Public Aid Code [305 ILCS 5] and any other applicable statutes.
- b) This codification of Rules incorporates into one set the Rules of the Department and replaces the Administrative and Categorical Rules and

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Regulations and the General Assistance and Local Aid to the Medically Indigent Rules and Regulations previously on file with the Secretary of State. These Rules in no way affect the Rules for Medical Vendor Administrative Proceedings filed and effective on an emergency basis December 27, 1977.

- c) Should any Rule, subdivision, clause, phrase, or provision of these Rules be unconstitutional or invalid for any reason whatsoever, such holdings shall not affect the validity of the remaining portions of these Rules.
- d) All Rules and Regulations of the Illinois Department of Human Services previously filed with the Secretary of State, with the exception of the Rules for Medical Vendor Administrative Proceedings filed and effective on an emergency basis December 27, 1977, are hereby replaced by this codification.
- e) These Rules shall be operative only to the extent that they do not conflict with any Federal law or regulation governing Federal grants to this State for public assistance programs.

Section 10.120 Definitions
EMERGENCY

"AABD." Aid to the Aged, Blind or Disabled--financial assistance and medical assistance available to individuals who have been determined to be aged, blind or disabled as defined by the Social Security Administration.

"Adequate Consideration." The receipt of goods, monies or services at least in the amount of the fair market value of the property sold.

"Adult Cases." A case in which no child is included in the assistance unit.

"Adverse Action." Any action which reduces food stamp benefits or terminates participation in the food stamp program within a certification period.

"AFDC." Aid to Families with Dependent Children--financial assistance and medical assistance available to families with one or more dependent children or in behalf of dependent children placed in foster care by the Department of Children and Family Services (DCFS).

"AFDC-F." Medical Assistance for an eligible child under DCFS guardianship.

"Agency Error." An action or inaction of the Department resulting in assistance benefits being furnished to or in behalf

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of a client for which the client is not eligible.

"Applicant." An individual requesting assistance by completion of assigned, written application form or a person in whose behalf a signed written application form is completed requesting assistance.

"Application." A request for assistance by means of a completed, signed designated form. For food stamp purposes, only a name, address and signature are needed on the form.

"Assistance Unit." The individual or individuals living together for whom the Department determines eligibility and, if eligible, provides financial and/or medical assistance as one unit.

"Caretaker Relative." A relative, as specified below, with whom a child must live to be eligible for TANF and who is providing care, supervision and a home for the child.

Blood or adoptive relatives within the fifth degree of kinship:

Father - Mother
 Brother - Sister
 Grandmother - Grandfather (including up to
 great-great-great)
 Uncle - Aunt (including up to great-great)
 Nephew - Niece (including up to great-great)
 First Cousin
 First Cousin once removed (child of first cousin)
 Second Cousin (child of great-aunt/uncle)

Step-Relatives:

Step-Father - Step-Mother
 Step-Brother - Step-Sister

Person who is or has been married to one of the above relatives.

"Categorical Assistance Programs." TANF, AABD and related MANG programs.

"Categorically Eligible." The meeting of all eligibility requirements for a categorical assistance program other than financial needs.

"Certification For Food Stamps." Authorization of eligibility of a household for the food stamp program.

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"Certification Period." The period of time for which a household is authorized to participate in the food stamp program.

"Certifying Office." The IDPA local office or General Assistance unit office responsible for certification of food stamp program participants.

"Child and Family Assistance Case." A General Assistance case in which case eligibility is based on pregnancy or the presence of an eligible child.

"Client." The adult in the family or unit applying for assistance or receiving assistance on behalf of the family.

"Client Error." A client's mistake, misunderstanding, misrepresentation or concealment of information or failure to report information promptly which results in financial and/or medical assistance being paid to or in behalf of a recipient for which the recipient is not eligible.

"Correspondent." A specific individual who has been legally designated to handle the affairs of another individual, that is, parents, court appointed guardian or conservator.

"Coupon Allotment." The total dollar value of the food stamp coupons that a household is authorized to receive.

"DCFS." Illinois Department of Children and Family Services.

"Department." The Illinois Department of Human Services.

"Dependent Child." A child age 18 or under who is living with a relative. If age 18, the child must be a full-time high school (or equivalent) student.

"Disbursing Order." An invoice voucher form given to a client authorizing a vendor to provide specified goods and/or services.

"Disposition of an Application." The determination of eligibility or ineligibility.

"Diverted Income." Earned or unearned income of a parent used to meet the needs of ineligible person or persons, including the parent, their dependent child or children or their spouse.

"DMHDD." Illinois Department of Mental Health and Developmental Disabilities.

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"DOC." Illinois Department of Corrections.

"DOI." Illinois Department of Labor.

"DORS." Illinois Department of Rehabilitation Services.

"Earmarked Income." Income restricted for the use of an individual by court order or by legal stipulation of a contributor. Only income of a child may be considered earmarked for Departmental purposes. The income of an eligible child who has siblings in the home receiving TANF financial assistance cannot be earmarked.

"Earned Income." Remuneration derived through the receipt of wages or salary for services performed as an employee or profits from activity in which the individual is self-employed.

"Effective Date." The date for which case action is authorized.

"Enrolled MANG Participant." Person or unit meeting the nonfinancial factors of eligibility.

"Established Twelve-Month Period." The period of 12 calendar months over which income is compared to the applicable MANG standard.

"Expedited Issuance." Authorization of food stamp benefits after the household has been determined to be destitute or to have zero net income.

"Expedited Service." An immediate processing of a food stamp application and determination of eligibility for expedited issuance.

"FCS." The Food and Consumer Service of the United States Department of Agriculture.

"Final Administrative Decision." A decision made by the Department as a result of an appeal. It either upholds or reverses the appealed action or determines a lack of jurisdiction.

"Financial Assistance." Public Assistance paid in the form of a cash benefit to a recipient for income maintenance needs. Medical assistance and food stamp benefits are not considered financial assistance.

"Financial Factors of Eligibility." Income, assets and

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Department levels of assistance.

"Financially Eligible." The meeting of all financial factors of eligibility.

"Fiscal Month." Begins on a given day in one calendar month and ends on the day prior to the same given day in the next calendar month.

"Food Coupons." Same as food stamps.

"Food Stamp Benefits." The cash value of benefits that a food stamp unit receives from the program.

"Food Stamp Employment and Training." Employment and training program for food stamp recipients.

"Food Stamp Household or Unit." For purposes of the food stamp program, a household or unit is defined as any of the following:

An individual living alone;

An individual living with others but customarily purchasing food and preparing meals for home consumption separate and apart from others;

A group of individuals who live together and customarily purchase food and prepare meals together for home consumption or who, because of their relationship, are required to qualify for food stamps as a unit.

"Full-Time Employment." Employment of 30 hours per week or more.

"GA." General Assistance -- financial and medical assistance available to eligible needy families or individuals who are ineligible to receive assistance through a categorical assistance program.

"GA Community Work and Training Program." A program, applicable to GA outside the City of Chicago only, designed to increase employability of General Assistance recipients through constructive work experience, adult education, vocational training and gainful employment.

"Grant." The total amount of a monthly financial assistance payment.

"Grant Cases." Public assistance cases authorized for financial

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assistance payments to the recipient.

"Head of Household." The person in whose name application is made for participation in the food stamp program. This person is normally the individual who is the household's primary source of income.

"Health Maintenance Organization (HMO)." Licensed by the Illinois Department of Insurance as a non-profit incorporated agency whose purpose is to provide preventive health care and medical services.

"Healthy Kids." Early and periodic screening, diagnosis and treatment services provided to children from birth through 20 years of age.

"Hearing." The actual presentation and consideration of the issue under appeal before a hearing officer of the Department.

"HIB." Hospital Insurance Benefits provided by Title XVIII of the Social Security Act (Medicare) (42 U.S.C. 1395 et seq.).

"Initial Prorated Entitlement (IPE)." Financial Assistance cover the period from the initial point of eligibility (application for assistance or initial needs of a person being added to the assistance unit) through two days after the mailing date of the first regular monthly assistance warrant.

"In-Kind Income." Income received by or paid in behalf of an individual in a form other than money.

"Interim Assistance." Assistance furnished to or in behalf of an individual financed totally from State and/or local funds for basic maintenance needs and furnished during the period beginning with the month in which the individual filed an application for Supplemental Security Income (SSI) and for which such individual was found eligible.

"Intermediate Care Facility (ICF)." Provides basic nursing care and other restorative services under periodic medical direction. Many of these services may require skill in administration. Such facilities are for residents who have long term illnesses or disabilities that may have reached a relatively stable plateau.

"Intermediate Care Facility For The Mentally Retarded (ICF/MR)." Provides primarily for ambulatory adults with developmental disabilities and addresses itself to the needs of mentally retarded and/or with related conditions. Such facilities are for

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residents who have physical, intellectual, social and emotional needs.

"JTPA." Job Training Partnership Act.

"Local Governmental Unit." Every county, city, village, incorporated town or township charged with the duty of providing public aid under General Assistance and County Veterans Assistance Commissions providing assistance to indigent war veterans and their families.

"Local Office." Department of Human Services offices that serve clients living within a designated geographical area.

"Lump-Sum Payment." An extraordinary or non-recurring income payment received by a client.

"MAG." Medical Assistance Grant cases -- medical assistance paid on behalf of a recipient of financial assistance.

"MANG." Medical Assistance No Grant-cases -- medical assistance paid on behalf of a recipient of categorical assistance who is not receiving financial assistance.

"MANG(AABD)." Medical assistance available to individuals who have sufficient income and assets to meet all maintenance needs other than medical care and who are receiving Supplemental Security Income benefits or who are determined to be aged, blind or disabled by the Department of Human Services.

"MANG (C)." Medical Assistance to Needy Families with Children -- available to families with one or more children who would qualify for TANF on the basis of non-financial eligibility factors but have sufficient income and assets to meet all maintenance needs other than medical care.

"Medicaid." Medical assistance issued by the Department under provisions of Title XIX of the Social Security Act (42 U.S.C. 1396); MAG and MANG.

"Medical Assistance." Medicaid.

"Medicare." Payment for medical care under the provisions of Title XVIII of the Social Security Act.

"Medichex." Early and periodic screening diagnosis and treatment services provided to children from birth through 20 years of age.

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"Mediplan Card." A document that identifies individuals for whom the Department will pay for essential medical services and supplies.

"Migrant Worker." Any person residing temporarily in and employed in Illinois who moves seasonally from one place to another for the purpose of employment in agricultural activities, including the planting, raising or harvesting of any agricultural or horticultural commodities and the handling, packing or processing of such commodities on the farm where produced or at the point of first processing.

"OASDI." Old Age, Survivors, and Disability Insurance -- often termed "Social Security".

"OJT." On the Job Training programs sponsored through the TANF or AFDC JOBS Program, Food Stamp Employment and Training Program or JTPA.

"Participant." A person taking part in the food stamp program or a Departmental employment and training program.

"Prepaid Health Plan." An organized system of health care responsible for providing or assuring the delivery of comprehensive health maintenance and treatment services to a voluntarily enrolled population.

"Recipient." An individual who receives benefits under an assistance program.

"Skilled Nursing Facility (SNF)." A group care facility licensed by the Illinois Department of Public Health that provides skilled nursing care, continuous skilled nursing observations, restorative nursing and other services under professional direction with frequent medical supervision. Such facilities are provided for patients who need the type of care and treatment required during the post acute phase of illness or during recurrences of symptoms in long-term illness.

"Skilled Nursing Facility For Pediatrics (SNF/PED)." A group care facility licensed by the Illinois Department of Public Health that provides nursing care and rehabilitative and/or rehabilitative care to children under eighteen years of age. Such facilities are for residents primarily diagnosed mentally retarded or having related conditions.

"SMIB." Supplementary Medical Insurance Benefits -- coverage provided under Title XVIII of the Social Security Act for medical

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services other than hospitalization.

"Specified Relative." Same as caretaker relative.

"Spenddown." The amount by which a client's nonexempt income during the eligibility period exceeds the MANG income and asset standards.

"SSA." The Social Security Administration of the Department of Health and Human Services.

"SSI." Supplemental Security Income--a program administered by the Social Security Administration providing monthly aid to Aged, Blind and Disabled individuals.

"Student." An individual who is enrolled at least half time (as defined by the institution) in any grade school, high school, vocational school, technical school, training program or institution of higher education. Enrollment in a mail, self-study or correspondence course does not meet the definition of a student.

"Supervision." Exercising of responsibility for the child's welfare by the caretaker.

"TANF." Temporary Assistance for Needy Families. Financial and medical assistance available to families with one or more dependent children.

"Temporary Caretaker." Another individual temporarily acting as a caretaker (not included in the assistance unit) when no specified relative is available.

"UI." Unemployment Insurance Benefits.

"Unearned Income." All income other than earned income.

"Utilization Control." Evaluation and review by the Department of a recipient's need for care facility, and certification of a patient's need for care by physicians, DMHDD staff and Department of Public Health.

"Vendor Payment." Direct payment to vendors for items or services provided to clients.

"Work and Basic Skills Training Program." The Department's employment and training program for TANF recipients.

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"Work Experience." A Department program that provides experience in a job.

Section 10.130 Assistance Programs EMERGENCY

- a) The types of assistance programs administered by the Illinois Department of Human Services include: financial assistance, medical assistance and food stamps.
- b) Financial Assistance Programs -- consists primarily of direct cash payments to recipients. The various financial assistance programs are:

- 1) Aid to the Aged, Blind or Disabled--State Supplemental Payment for aged, blind or disabled persons.
- 2) Temporary Assistance for Needy Families for families with one or more children.
- 3) Refugee Resettlement Program (RRP) for refugees from any country.
- 4) Repatriate Program for United States citizens and their dependents returned from a foreign country by the U.S. Department of State.
- 5) General Assistance for individuals and families who do not qualify for assistance under the Aid to the Aged, Blind or Disabled (AABD)-State Supplemental Payment (SSP), Temporary Assistance for Needy Families (TANF) or Federal Supplemental Security Income (SSI) programs and who meet GA program requirements.
- c) Medical Assistance -- under which payments are made to medical providers for services provided to recipients.

- 1) Medicaid for persons eligible for financial assistance under the AABD-SSP and TANF programs and for individuals not eligible for financial assistance but who meet the requirements of those programs for medical assistance only. This includes pregnant women of any age with no other children who would be eligible for TANF or MANG (CR) if the child had already been born. Medicaid is provided under the AFDC-F program for children under DCFS guardianship who have been placed in licensed foster care or in the home of a relative.

- 2) Healthy Kids A preventative health program for all clients who are under 21 years of age and who are receiving AFDC, AABD, RRA, GA, MANG or TANF. Through Healthy Kids, persons are given periodic screening examinations at certain ages from birth through age 20. The screening is to diagnose and treat health problems at an early stage.

- 3) General Assistance Medical For persons receiving financial benefits under the GA program.
- d) Food Stamps -- provides increased food purchasing benefits to

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recipients. Food Stamp benefits are available to individuals who meet the eligibility requirements of the Food and Nutrition Service of the U.S. Department of Agriculture in accordance with the Food Stamp Act of 1977 (7 U.S.C. 2017 et seq.).

- e) Title IV-D -- attempts to collect child support payments from absent parents in behalf of children receiving assistance. The Department enlists the cooperation of the caretaker relative in identifying, locating and securing support from an absent parent or parents or putative father. Such support received is subsequently paid directly to the Department.

Section 10.140 Assistance Program Restrictions EMERGENCY

- a) An individual shall be eligible to receive financial assistance under only one of the following types of assistance programs at any one time:

- 1) Categorical Assistance (TANF or AABD),
- 2) General Assistance, or
- 3) Assistance to Refugees, Entrants and Repatriates.

- b) An individual shall be eligible to receive financial and medical assistance in only one case under one assistance program, at any one time, except:

- 1) An individual who currently receives Categorical Assistance from another state and has established Illinois residence (in accordance with 89 Ill. Adm. Code 112.20, 113.20, 114.20, 120.211, 120.311, or 121.21) may receive Supplemental Categorical Assistance in Illinois when the amount of the Illinois assistance payment level to which the individual is entitled exceeds the amount received from the other state, if the excess is at least \$10.

- 2) An individual who is currently receiving General Assistance shall be eligible to receive GA during the pendency of an application for Categorical Assistance or to receive the difference between the amount of the GA grant and the amount of the Categorical Grant for the month in which the individual is determined eligible for Categorical Assistance.

- c) An individual shall not be eligible to receive food stamps as a member of more than one household at any one time.

SUBPART B: RIGHTS AND RESPONSIBILITIES

Section 10.210 Rights of Clients EMERGENCY

Assistance programs shall be administered in such a way as to afford certain rights to clients and assure that a complete explanation is given of client rights and responsibilities.

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**Section 10.270 Notice to Client
EMERGENCY**

- a) Every applicant for assistance shall be sent or given a written notice of disposition of the application.
- b) Every recipient for assistance shall be sent or given a written notice whenever assistance is reduced or discontinued.
- c) Notices denying, reducing, or discontinuing assistance shall contain the following information:
 - 1) A clear statement of the action being taken.
 - 2) A clear statement of the reason for the action.
 - 3) A reference to the statute, rule, or policy provision under the authority of which the action is taken. From March 1997 through March 1998, references to provisions of the Department's policy manuals using the numbering system in use in 1996 shall be deemed to be references to the corresponding provisions of the new numbering system introduced in 1997.
 - 4) A complete statement of the client's right to appeal (see subsection (d) below and 89 Ill. Adm. Code 102.80 through 102.82).
- d) **Timely Notice**
 - 1) All notices concerning local office reduction or discontinuance of assistance shall be "timely" except notices to cases in monthly reporting when the adverse action is due to information received on the monthly report or due to failure to submit a complete monthly report. A "timely" notice shall be mailed or given at least ten calendar days prior to the date the reduction or discontinuance will occur, and shall inform the client that if the client files an appeal by the date the reduction or discontinuance will occur, his or her assistance will be continued at its previous level, pending the results of the appeal unless the client specifically requests that the assistance benefits not be continued. The notice shall be dated with the date it is mailed or given. (Day one of the ten day period is the day following the date on the notice. Day ten may be no later than the date the reduction or discontinuance will occur.)
 - 2) Notices sent concerning reduction or discontinuance of assistance by agency action initiated centrally and notices to cases in monthly reporting when the action is due to information received on the monthly report or due to failure to submit a complete monthly report may be either "timely" or "adequate", as defined by federal regulation. When timely notice is not required and an adequate notice is sent less than ten days before the date of change, the client may receive continued benefits if the appeal is filed within ten days of the date of notice. (See 89 Ill. Adm. Code 112.302.)
- e) **Aid to Families With Dependent Children**

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- 1) Every recipient who makes a written request for a grant increase or a special authorization shall be sent or given written notice of the disposition of the request within 45 days of the date of the request.
- 2) Every recipient who makes a request for Special Assistance (89 Ill. Adm. Code 116.500), Emergency Assistance (89 Ill. Adm. Code 116.510) or Hardship Assistance (89 Ill. Adm. Code 116.520) shall be sent or given a written notice of the disposition of the request within 45 days of the date of the request.
- f) **Approval of General Assistance as a result of cancellation of AFDC or AABD or reduction of AFDC (Applicable Only in City of Chicago)**
 - 1) A notice of intended cancellation or reduction of benefits is sent to an AFDC or AABD recipient, in the City of Chicago, whose assistance is discontinued or a person deleted from the assistance unit (AFDC only) for one of the following reasons:
 - A) AABD: no longer blind, disabled.
 - B) AFDC:
 - i) no longer an eligible child in the home,
 - ii) no longer incapacitated,
 - iii) absent parent returned home,
 - iv) no longer an unemployed parent,
 - v) stepparent's liability sufficient to meet need,
 - vi) stepparent failed to verify income, or
 - vii) parent participating in a strike.
 - 2) If a recipient from one of the programs listed in subsection (f)(1) of this Section applies for General Assistance (GA) within 30 days of the notice of cancellation or reduction of benefits and if that recipient is determined to be eligible for GA, such benefits shall be authorized with no gap in assistance (see also 89 Ill. Adm. Code 110.30).
- g) **Food Stamp households shall be notified:**
 - 1) If there is no change in benefits following submission of a change report form.
 - 2) If food stamp benefits are being reduced or discontinued, the following additional information shall be included on the notice:
 - A) the telephone number of the local Public Aid office;
 - B) a statement indicating the household's liability for benefits received while waiting for a fair hearing decision, if the decision is adverse to the household; and
 - C) a statement indicating the general availability of outside individuals or organizations providing free legal representation and the telephone number of those individuals or organizations.
 - 3) A notice of approval shall be sent to eligible households by the 30th day following the date of application. If the household is found not eligible to participate, the notice of denial shall be sent by the 30th day following the date of application.
 - 4) If the local office cannot act on an application by the 30th day

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because the case file is incomplete due to a household's delay, a notice of denial shall be sent on the 30th day. However, the household has an additional 30 days to complete the application. If the delay is caused by the local office, a notice of pending status shall be sent to the household by the 30th day.

Section 10.280 Right to Appeal**EMERGENCY**

- a) Any individual who applies for or receives financial or medical assistance, social services or food stamp benefits shall have the right to appeal any of the following:
 - 1) Refusal to accept an application or reapplication;
 - 2) Failure to act on an application within the mandated time period;
 - 3) A decision to deny an application;
 - 4) A decision to reduce, suspend, terminate or in any way change the amount of assistance/food stamps or manner in which it is provided;
 - 5) Failure to make a decision or take appropriate action on any request that the client makes;
 - 6) A decision affecting the basis of issuance of food stamps with which the client disagrees;
 - 7) A decision to deny the payment for a medical service or item that requires prior approval;
 - 8) A decision granting prior approval request for a lesser or different medical service or item than was originally requested; or
 - 9) An issue of Department policy, if the client is aggrieved by its application.
- b) The appeal may be filed by the client or the client's authorized representative. For food stamp clients, the request for a hearing may be made orally or in writing, and the appeal process is initiated effective with the date of the request.

Section 10.281 Continuation of Assistance Pending Appeal**EMERGENCY**

- a) If an appeal is initiated by the date a reduction or discontinuance will occur or within ten calendar days of the date of the adequate notice, assistance shall be continued at the level in effect prior to the proposed action, pending the results of the fair hearing process, unless the individual specifically requests that his/her assistance benefits not be continued. If the date the reduction or discontinuance will occur or the 10th calendar day is a Saturday, Sunday or a holiday, the client has until the end of the next work day to file his/her appeal.
- b) If a food stamp household files an appeal as the result of normal expiration of the certification period, or as a result of action taken

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- c) If a food stamp household timely appeals a suspension from program participation for failure to file a Monthly Report by the date the suspended benefits would have been issued or within ten days from the date of notice of adverse action, whichever is later (see 89 Ill. Adm. Code 121.91(i)), and the household admits that it did not submit the Monthly Report, the household is not entitled to continuation of benefits.
- d) If an individual appeals the Department's decision to initiate a protective payment plan by the date initiation of the plan will occur, the protective payment plan shall not be initiated pending the results of the fair hearing process.

Section 10.282 Time Limit for Filing an Appeal**EMERGENCY**

- a) The right of appeal (except for food stamp cases) must be exercised within 60 calendar days of the date of the Department's action to notify the client. All written notifications to clients are to bear the same date as the date of mailing or delivery. Day one of the 60 day time period shall be the day following:
 - 1) The date on a written notification of a decision on an application, reduction, suspension, termination or discontinuance assistance and/or food stamp benefits, absent definitive evidence to the contrary that the notification was mailed (or delivery attempted) on a different date;
 - 2) The date of the Department's notification of denial of a request or other action that aggrieves the client when that denial or action is other than an application decision or a decision to reduce, suspend or terminate assistance.
- b) The 60 day time limitation does not apply when the Department fails to send a required written notification, fails to take action on a specific request, or denies a request without informing the client.
- c) Food stamp clients may request a hearing on any action or loss of benefits that occurred in the prior 90 days.

Section 10.284 Child Care**EMERGENCY**

- a) The Department shall authorize payment of child care expenses, if needed, to allow an AFDC or AABD (not MANG) client (active, pending, denied, or cancelled case status) to attend an appeal hearing. (See 89 Ill. Adm. Code 112.308 for child care rates.)
- b) The appellant must request the payment no later than 30 days after the hearing.

Section 10.290 Voluntary Repayment of Assistance

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EMERGENCY

- a) A recipient or former recipient of assistance may voluntarily repay all or part of the assistance provided.
- b) A responsible relative or other person may, in behalf of a recipient or former recipient, repay all or part of the assistance provided.

Section 10.295 Correction of Underpayments**EMERGENCY**

When it is determined that an AFDC assistance unit has not received all the assistance to which it is entitled, the Department shall provide retroactive corrective payments when the assistance unit is currently active.

Section 10.300 Recovery of Assistance**EMERGENCY**

- a) By means of claims against the estates of deceased recipients and the estates of their deceased spouses and liens against recipients' real property interests, the Department has a statutory right to recover assistance provided to or in behalf of recipients according to the terms prescribed in this Section.
- b) The Department shall effect its recoveries by one of the following actions:
 - 1) Acceptance of an amount, as settlement, equal to the estimated amount that would be collected if the estate were administered or the lien foreclosed;
 - 2) Administration of the estate; or
 - 3) Foreclosure of the lien.
- c) When the Department has both an estate claim and a real property lien, collection of the claim and lien shall be by one action.

Section 10.310 Estate Claims**EMERGENCY**

- a) Definitions in this Section are as follows:

- 1) "Estate" - all real and personal property within an individual's estate as provided in Illinois probate law. For a decedent who received benefits under a long term care insurance policy in connection with which assets were disregarded, the term "estate" includes all real and personal property in which the individual had legal title or interest at the time of death (to the extent of such interest), including assets conveyed to a survivor, heir or assignee of the deceased person through joint tenancy, tenancy in common, survivorship, life estate, living trust or other arrangement.
- 2) "Beneficiary" - any person nominated in a will to receive an interest in property other than in a fiduciary capacity.

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- 3) "Heir" - any person entitled under the statutes to an interest in property of a decedent.
- b) The Department's claim against the estate of a deceased recipient or against the estate of the recipient's deceased spouse, regardless of the order of death, shall encompass:
 - 1) All income maintenance assistance paid out at any time; and
 - 2) All medical assistance paid out at any time for a permanently institutionalized recipient whose real property is subject to the Department's lien; or
 - 3) All medical assistance paid out, except the costs of Community Care Program (CCP) services, prior to October 1, 1993, for a recipient while 65 years of age or older; or
 - 4) All medical assistance paid out on or after October 1, 1993, for a recipient while 55 years of age or older; or
 - 5) All medical assistance paid out for Medicare cost sharing expenses of a Qualified Medicare Beneficiary (QMB).
- c) The claim shall apply to assistance provided to or in behalf of a recipient on or after the following dates:

Assistance Program	Effective Date
1) AABD (Aged) (AABD(A))	1) 1963
2) AABD (Blind) and (Disabled) (AABD(B) and (D))	2) November, 1963
3) MANG (Aged), (Blind), and (Disabled) (MANG(A), (B), and (D))	3) January 1, 1966
- d) The Department shall not enforce a claim for medical assistance against any property, real or personal, of a deceased recipient while one or more of the following relatives survives: spouse of decedent, child under 21, or child over 21 who is blind or permanently and totally disabled.
- e) The Department shall not enforce a claim for income maintenance assistance against homestead property of a deceased recipient while the homestead is occupied by one or more of the surviving relatives previously specified.
- f) To avoid undue hardship, the Department will waive its right to recover from a decedent's estate to the extent a court approves an award for a surviving spouse or dependent child under the Illinois Probate Act [755 ILCS 5]. The amount of the recovery waived is equal to the amount of the award or awards. Individuals seeking to obtain an award must file a petition with the probate court having jurisdiction over the decedent's estate. The procedure for providing notice to the survivors of the decedent consists of the filing of the claim. Any appeal action taken by the survivors would be with the probate court.
- g) The Department may defer or waive enforcement of its claim for income maintenance assistance if it determines that:
 - 1) The deceased recipient is survived by a dependent spouse and minor child or children; or

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- 2) Rehabilitative training for employment or other means of self-support for the surviving spouse or children is feasible, and deferment or waiver will facilitate achievement of self-support status and prevent or reduce the likelihood of return to dependency on public assistance of the spouse or children.

Section 10.320 Real Property Liens**EMERGENCY**

The Department's lien against a recipient's real property shall encompass:

- a) all medical assistance paid out at any time for a permanently institutionalized recipient, and
- b) all income maintenance assistance paid to or on behalf of a recipient on or after the following dates:

Assistance Program	Effective Date
AABD(A)	January, 1962
AABD(B) and (D)	November, 1963

Section 10.330 Filing and Renewal of Liens**EMERGENCY**

- a) The Department shall file a lien against:
 - 1) The homestead property owned by:
 - A) a recipient of AABD; or
 - B) a permanently institutionalized recipient of MANG(A), (B) or (D), except as provided in 89 Ill. Adm. Code 102.235;
 - 2) Any other legal or equitable real property interests, regardless of value, that the recipient possesses unless the property is located outside the State of Illinois; and
- b) The lien shall be renewed every five years by the Department until it is satisfied.

Section 10.340 Foreclosure of Liens**EMERGENCY**

- a) The Department may enforce a lien by foreclosure:
 - 1) At any time when there is a transfer of a recipient's real property subject to the lien;
 - 2) In case of fraud; or
 - 3) At the time of the recipient's death.
- b) The Department shall defer foreclosure of a lien on homestead property, except in case of fraud, if:
 - 1) the property is occupied by the recipient or the recipient's surviving spouse, child under 21, or child over 21 who is blind or permanently and totally disabled; or
 - 2) in the case of a permanently institutionalized recipient,
 - A) a sibling of the recipient has resided continuously in the

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property since at least one year immediately before the date the recipient was admitted to the institution; or

B) a child of the recipient who has resided continuously in the property since at least two years immediately before the date the recipient was admitted to the institution establishes that he or she provided care for at least two years before admission that enabled the recipient to live at home rather than in an institution.

Section 10.350 Release of Liens**EMERGENCY**

- a) The Department shall release a lien when:
 - 1) The Department receives full repayment of the assistance granted subject to the lien;
 - 2) A bond is filed, with a surety or sureties acceptable to the Department, that guarantees payment of the amount of the lien; or
 - 3) The lien was filed in error.
- 4) A MANG(A), (B) or (D) recipient has been medically discharged from an institution and returns to his or her home on which the Department holds a lien.
- b) The Department may also release a lien when:
 - 1) It receives the value of the property to which the lien attaches, but its claim for any balance due on the lien is reserved against any of the recipient's subsequently discovered assets; or
 - 2) The recipient has a dependent spouse and minor children; or
 - 3) Rehabilitative training for employment or other means of self-support is feasible where release of the lien would facilitate achievement of self-support status and prevent or reduce the likelihood of a return to dependency on public assistance.

Section 10.360 Personal Injury Claims**EMERGENCY**

- a) Clients who suffer a personal injury and have a potential for recovery of damages as a result of the type or severity of the injury, must report such injuries to the Department and take action to collect any damages that may be due.
- b) The Department shall collect payment from personal injury settlements paid in behalf of clients. The Department shall not collect payment from claims covered by the Workers' Compensation Act [820 ILCS 305] the Workers' Occupational Diseases Act [820 ILCS 310] or the Wrongful Death Act [740 ILCS 180].
- c) The Department shall have a charge equal to the total cost of medical assistance provided to an injured individual from the date of the injury to the date of recovery of damages.
- d) If an employable individual receives assistance for himself and/or

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dependents, the Department's charge shall also include the total cost of cash and medical assistance issued as a result of the injury that was provided for the individual and his dependents from the date of injury to the date of recovery of damages. The Department's charge is for assistance provided for the injured recipient and his dependents even if all persons are not included in a single assistance unit.

e) Payment received by a client as damages for a personal injury shall be considered nonexempt unearned income after payment of the following expenses:

- 1) necessary costs of litigation or settlement;
- 2) the Department's charge;
- 3) medical costs resulting from the injury and paid by the client; and
- 4) expenses to repair or replace personal property that was damaged as result of the injury.

Section 10.370 Convictions of Fraud - Eligibility EMERGENCY

a) Multiple Convictions

Any person who has been found guilty of a criminal violation of Article VIIIA of the Illinois Public Aid Code [305 ILCS 5/Art. VIIIA] or of any law of the United States or another state that is substantially similar to Sections 8A-2 through 8A-5 of Article VIIIA, two or more times, shall be ineligible for assistance under the GA program (in the City of Chicago) or the State AABD program. Children for whom such a person is a caretaker relative shall remain eligible for assistance under this Code.

b) Single Convictions of \$10,000 or more

Any person who has been found guilty of a criminal violation of Article VIIIA of the Illinois Public Aid Code [305 ILCS 5/Art. VIIIA], who has not previously been convicted of a criminal violation of Article VIIIA and has amassed \$10,000 or more in such criminal violation, shall be ineligible for assistance under the GA program (in the City of Chicago) or the State AABD program for a period of two years following conviction or until the total amount of money, including the value of food stamps, is repaid, whichever first occurs. Children for whom such a person is a caretaker relative shall remain eligible for assistance.

Section 10.380 Single Conviction of Fraud - Administrative Review Board EMERGENCY

Except as provided in 89 Ill. Adm. Code 102.270, any person who has been found guilty of a criminal violation of Article VIIIA of the Illinois Public Aid Code [305 ILCS 5/Art. VIIIA] or of any law of the United States or of any state that is substantially similar to Sections 8A-2 through 8A-5 for violations related to public assistance programs and who has not previously been convicted for a

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criminal violation of Article VIIIA or of any law of the United States or of any state that is substantially similar to Sections 8A-2 through 8A-5 for violations related to public assistance programs shall be subject to the provisions of this Section upon filing a subsequent application for public assistance under AFDC, AABD, Refugee Assistance, or the GA program (in the City of Chicago).

a) The application will be reviewed by an Administrative Review Board (ARB) prior to approval or disapproval. The ARB shall consist of the Local Office Administrator of the local office where the application is made and a representative of the Zone Office, appointed by the Zone Office Administrator.

b) The review by the ARB shall be for the purpose of determining the person's eligibility for assistance and to determine whether any additional administrative safeguards are required to prevent any future violations of Article VIIIA.

c) The review shall be informal. The applicant will be notified, in writing, of the review at least five days in advance. The review will be held in the county where the applicant resides. The applicant may attend the review and may bring other persons to the review to speak on his or her behalf, including an attorney, relatives or friends. The review shall be open to the public, unless the applicant and the ARB determine otherwise. The review shall be held within such a time as not to delay the decision on the application beyond the time allowed under State and Federal law and regulations. (See 89 Ill. Adm. Code 110.20.)

d) If the ARB determines the applicant is not eligible for public assistance, based on applicable eligibility factors of the program or programs for which the applicant is applying, the applicant will be notified in the same manner as other applicants. The applicant shall be entitled to appeal any decision of denial. (The grounds for appeal and appeal procedure to be followed are found at 89 Ill. Adm. Code 102 and 104.)

e) If the ARB determines the applicant is eligible for public assistance, the ARB shall also determine what administrative safeguards, if any, are required to ensure that the person does not commit further violations of Article VIIIA. Such safeguards shall be based on the individual factors of each case and may include, but are not limited to, more frequent home visits, more frequent reports regarding financial or other factors, appointment of a substitute payee, or any other actions that are permitted by State and Federal law and regulations.

f) The applicant will be notified, in writing, of the decision of the ARB and an explanation of the administrative safeguards required in his or her case. The applicant shall be entitled to appeal any decision of the ARB.

g) The ARB shall review the necessity for any administrative safeguard every six months. At the review, the necessity to continue or reverse the administrative safeguards will be determined.

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SUBPART C: APPLICATION PROCESS

**Section 10.415 Local Office Action on Application for Public Assistance
EMERGENCY**

Upon a person's making application for Public Assistance at a local office, the local office shall consider that person's eligibility for all forms of Public Assistance according to the appropriate eligibility rules for assistance programs, unless the person has indicated in writing that he or she does not want to apply for certain programs. A signed original application form on which the person indicates the program or programs for which he or she does or does not want to apply constitutes the person's written statement. The words "Public Assistance" constitute the assistance provided by the Department as specified in Articles III, IV, V, and VI of the Public Aid Code, namely Aid to the Aged, Blind and Disabled, Aid to Families with Dependent Children, Refugee Assistance program, the Department's Medical Programs and General Assistance (where administered by the Department). Upon a person's making application for Public Assistance at a local office, the local office shall also consider that person's eligibility for the United States Department of Agriculture's Food Stamp Program (unless the applicant has indicated in writing that he or she does not want Food Stamps) and for such other programs as the Department may from time to time be administering pursuant to the laws and regulations of the State and Federal government. A signed original application form on which the person indicates whether or not he or she wants to apply for Food Stamps or any other programs that the Department may offer at any given time constitutes the person's written statement.

**Section 10.420 Time Limitations on the Disposition of an Application
EMERGENCY**

- a) Within 10 days after a decision is made on an application, the Department shall inform the applicant in writing of the decision. This notice shall contain a decision on each of the following programs for which the recipient may be eligible based on information contained on the application: AFDC, Medical Assistance, AABD, GA (City of Chicago), AMI and Food Stamps. No decision shall be required for any assistance program for which the applicant has expressly declined in writing to apply.
- b) The Department shall send a notification of its determination within the following time periods, calculated from the date of application:
 - 1) Aid to the Aged, Blind or Disabled (Aged)/((AABD)(A)) and related Medical Assistance-No Grant (MANG) - 45 calendar days
 - 2) Aid to the Aged, Blind or Disabled (Blind)/((AABD)(B)) and related MANG - 45 calendar days
 - 3) Aid to the Aged, Blind or Disabled (Disabled)/((AABD)(D)) and related MANG - 60 calendar days
 - 4) Aid to the Families with Dependent Children (AFDC) and related MANG - 45 calendar days

- 5) General Assistance(CA), Aid to the Medically Indigent (AMI) - 45 calendar days
- c) The time limitation for determining eligibility for AFDC may be extended another 45 calendar days when a decision cannot be reached because information necessary for a determination is available only from third parties and such parties fail to respond or delay their response to a request for such information.
- d) The time limitation for determining eligibility for General Assistance may be exceeded only when a decision cannot be reached because of failure or delay on the applicant's part.
- e) The Department shall make a decision on an application for social services within 30 days after the date of application, and shall inform the applicant in writing of its decision within 15 days after the decision.

**Section 10.430 Approval of an Application and Initial Authorization of
EMERGENCY Financial Assistance**

- a) Financial assistance (for Aid to the Aged, Blind or Disabled, Interim Assistance and Aid to Families with Dependent Children) shall be authorized effective from the earlier of:
 - 1) The date of decision on the current application; or
 - 2) Thirty days after the date of application provided the case is eligible on that date; or
- b) Financial assistance for General Assistance shall be authorized effective:
 - 1) Thirty days following the date of application.
 - 2) If General Assistance (GA) is approved as a result of termination of Aid to Families With Dependent Children (AFDC) or Aid to the Aged, Blind or Disabled (AABD) assistance or deletion (AFDC only) for certain non-financial reasons (see 89 Ill. Adm. Code 102.70(f)), assistance shall be authorized with no gap if an application is filed within 30 days after the notice of termination of AFDC or AABD or deletion (AFDC only) (see also 89 Ill. Adm. Code 102.70).
- c) If the applicant is determined eligible for financial assistance, the notice (see 89 Ill. Adm. Code 110.20) shall state the amount of financial assistance to be provided, and a statement of the reasons for any partial grant amounts. Partial grant amount is defined as the maximum grant that a family unit for whom application for public assistance was filed is eligible to receive, less any reductions resulting from the consideration.

**Section 10.430 General Assistance and Aid to the Medically Indigent
EMERGENCY Special Approval Provisions**

Temporary assistance shall be authorized in General Assistance cases in which it is verified that an applicant meets all eligibility criteria other than the

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requirement of citizenship/alienage status and such verification is expected to be received but to take a length of time that would cause undue hardship to the applicant, such that he would be unable to meet his basic maintenance needs of food, shelter and other necessities and the applicant has submitted verification that the required documents have been requested.

Section 10.440 Denial of an Application EMERGENCY

- a) An application for public assistance shall be denied if it is established that the applicant does not meet one or more of the eligibility requirements or if the applicant chooses to withdraw the application.
- b) If the applicant is determined ineligible for public assistance, the notice (see 89 Ill. Adm. Code 110.20) shall include the reason why the applicant is ineligible.
- c) If eligibility cannot be conclusively determined because of the applicant's unwillingness to cooperate in providing essential information or refusal to consent to verification by the local office, or the applicant has not provided sufficient information for a determination of eligibility, the application shall be denied.

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- 1) Heading of the Part: Hospital Reimbursement Changes
- 2) Code Citation: 89 Ill. Adm. Code 152
- 3) Section Numbers:
152.150 Emergency Action:
152.200 Amendment
152.250 Repeal
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 90-9
- 5) Effective Date of Amendments: July 1, 1997
- 6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable
- 7) Date Filed in Agency's Principal Office: July 1, 1997
- 8) Reason for Emergency: These emergency amendments are being filed pursuant to the Governor's fiscal year 1998 budget plan and the enactment of the State's budget by the Legislature. The continuation of current reimbursement levels for inpatient and outpatient hospital services is a necessary component of this budget plan. Emergency rulemaking is specifically authorized for the expeditious implementation of these budget initiatives by Section 5-45(d) of Public Act 90-9.
- 9) Complete Description of the Subjects and Issues Involved: These emergency amendments concerning payments for hospital services are necessary to implement the State's fiscal year 1998 budget plan which requires the continuation of current reimbursement levels. The Department will continue to reimburse hospitals for inpatient and outpatient services, for an indefinite period, according to current reimbursement levels.

Additionally, the rate appeal process found in Section 152.250 is being repealed. New provisions, which are intended to compensate for the elimination of the appeals process, are being added in 89 Ill. Adm. Code 148.296. These provisions will provide supplemental critical hospital adjustment payments to eligible hospitals and are designed to allow hospitals that are critical to the Medicaid Program to maintain participation.

The amendments to Sections 152.150 and 152.200 are not expected to result in any budgetary changes. The repeal of Section 152.250 will result in a decrease in expenditures of approximately \$41,000,000, but it is expected that these funds will be fully utilized in the new Supplemental Critical Hospital Adjustment Payment program, which is being proposed to cover critically necessary Medicaid services.

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- 10) Are there any Proposed Amendments pending to this Part? No
- 11) Statement of Statewide Policy Objectives: These emergency amendments do not affect units of local government.
- 12) Information and questions regarding these Emergency Amendments shall be directed to:

Name: Joanne Jones
 Address: Bureau of Rules and Regulations
 Illinois Department of Public Aid
 100 South Grand Avenue East, Third Floor
 Springfield, Illinois 62762
 Telephone: (217) 524-0081

The full text of the Emergency Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
 CHAPTER I: DEPARTMENT OF PUBLIC AID
 SUBCHAPTER e: GENERAL TIME-LIMITED CHANGES

PART 152
 HOSPITAL REIMBURSEMENT CHANGES

Section
 152.100 Reimbursement Add-on Adjustments (Repealed)
 152.150 Diagnosis Related Grouping (DRG) Prospective System (PPS)
 EMERGENCY
 152.200 Non-DRG Reimbursement Methodologies
 EMERGENCY
 152.250 Appeals (Repealed)
 EMERGENCY

AUTHORITY: Implementing and authorized by Articles III, IV, V and VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and 12-13] and implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. III].

SOURCE: Emergency rules adopted at 18 Ill. Reg. 2150, effective January 18, 1994, for maximum of 150 days; adopted at 18 Ill. Reg. 10141, effective June 17, 1994; emergency amendment at 19 Ill. Reg. 6706, effective May 12, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10236, effective June 30, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16272, effective November 27, 1995; emergency amendment at 20 Ill. Reg. 9272, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15712 effective November 27, 1996; emergency amendment at 21 Ill. Reg. 9544 effective July 1, 1997, for a maximum of 150 days.

Section 152.150 Diagnosis Related Grouping (DRG) Prospective Payment System (PPS)

EMERGENCY

- a) Notwithstanding any provisions set forth in 89 Ill. Adm. Code 149, the changes described in this Section will be effective January 18, 1994.
- b) For the rate periods, as described in 89 Ill. Adm. Code 148.25(g)(2)(B), the DRG weighting factors shall be adjusted by a factor, the numerator of which is the statewide weighted average DRG base payment rate in effect for the base period, as described in 89 Ill. Adm. Code 148.25(g)(2)(A), and the denominator of which is the statewide weighted average DRG base payment rate for the rate period, as described in 89 Ill. Adm. Code 148.25(g)(2)(B). For this adjustment, DRG base payment rate means the product of the PPS base rate, as described in 89 Ill. Adm. Code 149.100(c)(3), and the indirect medical education factor, as described in 89 Ill. Adm. Code 149.150(c)(3).

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- c) All payments calculated under 89 Ill. Adm. Code 149.140 and 149.150(c)(1), (c)(2) and (c)(4), in effect on January 18, 1994, shall remain in effect hereafter until June 30, 1997.
- d) For hospital inpatient services rendered on or after July 1, 1995, and prior to July 17, 1997, the Department shall reimburse hospitals using the relative weighting factors and the base payment rates calculated pursuant to the methodology described in this Section, that were in effect on June 30, 1995, less the portion of such rates attributed by the Department to the cost of medical education.
- e) This Section shall be automatically repeated effective June 30, 1997.

(Source: Emergency amendment at 21 Ill. Reg. 9544, effective July 1, 1997, for a maximum of 150 days)

Section 152.200 Non-DRG Reimbursement Methodologies EMERGENCY

- a) Notwithstanding any provisions set forth in 89 Ill. Adm. Code 148, the changes described in this Section will be effective January 18, 1994.
- b) All per diem payments calculated under 89 Ill. Adm. Code 148, except for those described in 89 Ill. Adm. Code 148.120, 148.160, 148.170, 148.175 and 148.290(a), (c) and (d), in effect on January 18, 1994, less the portion of such rates attributed by the Department to the cost of medical education, shall remain in effect hereafter until June 30, 1997.
- c) This Section shall be automatically repeated effective June 30, 1997.

(Source: Emergency amendment at 21 Ill. Reg. 9544, effective July 1, 1997, for a maximum of 150 days)

Section 152.250 Appeals (Repealed) EMERGENCY

- a) Right to appeal--any hospital seeking to appeal its prospective payment rate for operating costs related to inpatient care or other allowable costs must submit a written request to the Department on or before July 31, 1996. The written request must contain the information as specified in subsection (c) below. The Department shall respond to the hospital's request for additional reimbursement within 30 days or after receipt of any additional documentation requested by the Department, whichever is later. The hospital shall bear the burden of proof throughout the appeal process.
- b) Non-appealable issue--the October 17, 1993, rates and reimbursement systems used to calculate the rates are not appealable.
- c) Appeal documentation
- i) The hospital must submit an explanation of the circumstances creating the need for the appeal, including a detail of the hospital services that will be significantly curtailed if the

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- hospital is not granted financial relief. The explanation must include a statement of attestation signed by the hospital's chief executive officer, chief financial officer, treasurer or its properly authorized agent, the signature verifies by written declaration and under penalties of perjury that the signing officer has personally examined the documentation and that the information is true, correct and complete.
- 2) The hospital must file a cash position statement which is based upon current assets (including all unrestricted investments), current liabilities and other data for a date which is less than 60 days old. Any liabilities payable to owners or related parties must not be reported as current liabilities on the cash position statement.
- 3) The hospital must submit a copy of its last three financial statements audited by an external independent certified public accountant. If the hospital is part of a group of entities which are related by common ownership or control or both, a consolidated financial statement audited by an external independent certified public accountant is also required. If consolidated financial statements are not available, then the individual audited financial statements from each of the related entities may be submitted separately. The Department will merge the information. A hospital that qualifies for financial relief under Section 152.250(d)(4)(A) or (B) must submit copies of all relevant audited financial statements.
- d) Appeal Process--in no event shall financial relief be awarded unless the hospital demonstrates to the satisfaction of the Director that the Medicaid rate it receives under the Medicaid prospective payment system is insufficient to ensure Medicaid recipients reasonable access to sufficient inpatient hospital services of adequate quality in making such demonstration the hospital must meet all of the following criteria:
- i) The current Medicaid prospective payment rate jeopardizes the long term financial viability of the hospital in appropriate cases financial jeopardy may be shown to exist if, by providing care to Medicaid recipients at the current Medicaid rate, the hospital can demonstrate that it is in the aggregate incurring a marginal loss in appropriate cases financial jeopardy may be shown to exist if the hospital is incurring a marginal gain but can demonstrate that it has unique and compelling Medicaid costs which if unreimbursed by Medicaid would clearly jeopardize the hospital's long term financial viability.
- 2) The population served by the hospital seeking financial relief has no reasonable access to other inpatient hospital services. Reasonable access may vary according to geographic location and/or types of care.
- 3) The financial statement described in subsection (c)(2) above must reflect a ratio of current assets to current liabilities that is

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less than or equal to 100. However, when determining such ratios a hospital may exclude Medicaid accounts receivables from this calculation and define funded depreciation as a restricted fund under subsection (f)(7) of this Section; if:

A) the hospital's Medicaid inpatient utilization rate, as defined in 89 Ill. Adm. Code 148-120(k)(5), is greater than 50 percent, and it is not a hospital as described in 89 Ill. Adm. Code 148-25(b)(1)(A) or 148-120(k)(5), or 89 Ill. Adm. Code 149-50(c)(1) or 149-50(c)(4); or

B) the hospital qualified for Critical Hospital Adjustment Payments (CHAP) under 89 Ill. Adm. Code 140-295 in State fiscal year 1996, it has a Medicaid utilization rate as defined in 89 Ill. Adm. Code 148-120(k)(5), that is greater than 40 percent, it has a combined Medicaid/Medicare utilization rate as defined in subsection (f)(4) below that is greater than 70 percent, and it has an uncompensated care percentage as described in subsection (f)(6) that is greater than four percent.

4) The financial statements described in subsection (c)(3) above must reflect a net loss in each of the three periods, however:

A) for a hospital whose Medicaid inpatient utilization rate as defined in 89 Ill. Adm. Code 148-120(k)(5) is greater than 50 percent, and that is not a hospital as described in 89 Ill. Adm. Code 148-25(b)(1)(A) or 148-120(k)(5), or 89 Ill. Adm. Code 149-50(c)(1) or 149-50(c)(4), the statement must reflect a net loss in two out of the last four periods or a net loss in three out of the last six periods. Hospitals qualifying under this subsection (d)(4)(A) may exclude 0.5 percent of their net operating revenue and payments made for hardship relief granted pursuant to Part 12 during State fiscal years 1995 and 1996 from this calculation. Hospitals whose fiscal year ends on or no later than six months prior to June 30, 1996, may submit a preliminary financial statement for the hospital's fiscal year ending June 30, 1996, or a period no less than six months between the end of its fiscal year and June 30, 1996. This preliminary financial statement must utilize generally accepted accounting principles and be accompanied with an attestation signed by the hospital's Chief Executive Officer and Chief Financial Officer to the accuracy and validity of such statement. In addition, hospitals owned by a Federally Qualified Health Center (FQHC) may exclude Federal Section 30 grant revenue from this calculation, or for hospitals that are qualified for Critical Hospital Adjustment Payments under 89 Ill. Adm. Code 140-295 in State fiscal year 1996, whose Medicaid utilization rate as described in 89 Ill. Adm. Code 148-120(k)(5) was greater than 40 percent, whose combined Medicaid/Medicare

B)

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utilization rate as described in subsection (f)(4) below was greater than 70 percent, and whose uncompensated care percentage as described in subsection (f)(6) below was greater than four percent, the statement must reflect a net loss in two out of the last four periods or a net loss in three out of the last six periods. Hospitals qualifying under this subsection (d)(4)(B) may, in addition to the deductions and the ability to submit preliminary financial statements, as identified under subsection (d)(4)(A) above, deduct revenue derived from a FQHC clinic that is physically located on the immediate hospital campus.

5) The most recent financial statement as described in subsection (c)(3) above must reflect a ratio of current assets to current liabilities of less than or equal to 1.4. However, when determining such ratios a hospital may exclude Medicaid accounts receivables from this calculation and define funded depreciation as a restricted fund under subsection (f)(7) of this Section; if:

A) the hospital's Medicaid inpatient utilization rate, as defined in 89 Ill. Adm. Code 148-120(k)(5), is greater than 50 percent, and it is not a hospital as described in 89 Ill. Adm. Code 148-25(b)(1)(A) or 148-120(k)(5), or 89 Ill. Adm. Code 149-50(c)(1) or 149-50(c)(4); or

B) the hospital qualified for Critical Hospital Adjustment Payments (CHAP) under 89 Ill. Adm. Code 140-295 in State fiscal year 1996, and it has a Medicaid utilization rate as defined in 89 Ill. Adm. Code 148-120(k)(5), that is greater than 40 percent, and it has a combined Medicaid/Medicare utilization rate as defined in subsection (f)(4) below that is greater than 70 percent, and it has an uncompensated care percentage as described in subsection (f)(6) below, that is greater than four percent.

e) Financial ratio: If the hospital demonstrates adequate financial jeopardy, the Department will determine the amount of the financial relief to be granted. The amount of the financial relief will be dependent upon the individual hospital's needs.

f) Definitions: For purposes of this Section, unless the context requires otherwise:

1) Current assets: must follow Generally Accepted Accounting Principles except for this purpose. All unrestricted investments must be included as current assets.

2) Current liabilities: must follow Generally Accepted Accounting Principles except for this purpose. Any liabilities due to entities related by ownership or control must not be included as current liabilities.

3) Marginal loss: is the amount by which total variable costs for each patient day exceed the Medicaid payment rate in calculating marginal loss; the hospital shall compute variable costs at 60 percent of total inpatient operating costs and fixed

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- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3) Section Numbers: Emergency Action:
148.295 Amendment
148.296 New Section
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 90-9
- 5) Effective Date of Amendments: July 1, 1997
- 6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable
- 7) Date Filed in Agency's Principal Office: July 1, 1997
- 8) Reason for Emergency: These emergency amendments are being filed pursuant to the Governor's fiscal year 1998 budget plan and the enactment of the State's budget by the Legislature. These provisions are necessary to maintain access for essential hospital services and to cover the costs of specialized rehabilitation services. Emergency rulemaking is specifically authorized for the expeditious implementation of these budget initiatives by Section 5-45(d) of Public Act 90-9.
- 9) Complete Description of the Subjects and Issues Involved: These emergency amendments to Section 148.295 revise the current Critical Hospital Adjustment Payment (CHAP) program to increase the facility components for Level I rehabilitation hospitals. These changes are necessary to cover the extremely high costs incurred by rehabilitation hospitals. For such hospitals with fewer than 90 annual Medicaid admissions, the facility component will increase from \$100,000 to \$250,000. Hospitals with 90 or more annual Medicaid admissions will have their facility component increased from \$400,000 to \$575,000. It is expected that these changes will result in increased annual expenditures of approximately \$500,000.
- New Section 148.296 is being added to create the Supplemental Critical Hospital Adjustment Payment (SCHAP) program. These new provisions are designed to replace the rate appeal process found in 89 Ill. Adm. Code 152.250, which is being proposed for repeal. The SCHAP program will direct Medicaid dollars to hospitals that provide critically necessary Medicaid services. It is expected that the annual cost of this program will be approximately \$41,000,000. However, these expenditures will be fully offset by savings resulting from the elimination of the rate appeal process in Section 152.250.

- costs at 40 percent of total inpatient operating costs; however, the Director may accept a different ratio of fixed and variable operating costs if a hospital is able to demonstrate that a different ratio is appropriate for its particular institution.
- 4) "Medicaid/Utilization Rate" means the Medicaid inpatient utilization rate as described in 89 Ill. Adm. Code 148.120(k)(5) excluding Medicaid crossover days as described in 89 Ill. Adm. Code 148.120(e)(3)(A), plus the Medicaid inpatient utilization rate a calculation of which the numerator is the number of hospital Medicare inpatient days provided in the base fiscal year described in 89 Ill. Adm. Code 148.120(k)(1) as reported on the Medicare cost report (HCFA-2552) and the denominator of which is the total number of hospital inpatient days in that same period as reported on the Medicare cost report (HCFA-2552).
- 5) "Ratio of current assets to current liabilities" means current assets divided by current liabilities as defined above.
- 6) "Uncompensated Care Utilization Rate" means a fraction of which the numerator is the hospital's uncompensated care charges provided in a given twelve month period, as described in 89 Ill. Adm. Code 148.150(b)(4), and the denominator of which is the hospital's total charges as described in 89 Ill. Adm. Code 148.150(b)(2), in that same base year as described in 89 Ill. Adm. Code 148.150(b)(3), in this subsection (f)(6); the term uncompensated care charges shall include in addition to its usual definition charges for services reimbursable by the Department under the Transitional Assistance Program and the Family and Children Assistance Program formerly known as General Assistance (Article VII).
- 7) "Unrestricted investments" means funds which have not been restricted by the donors for use only for some purpose other than hospital operations. Also investments which have been legally restricted against use for hospital operations, such as loan collateral, will be considered to be restricted. Funds restricted by the hospital's board of directors will be considered as unrestricted funds for the purpose of this analysis unless otherwise allowed for under the provisions noted in Section 152.250(d)(3) and (d)(4)(B) and (d)(5).
- 9) Nothing in these provisions shall preclude the Director of the Department of Public Aid from making mid-year adjustments to the hospital hardship payments made under this Section.
- h) This Section shall be automatically repeated effective June 30, 1997.

(Source: Emergency repealed at 21 Ill. Reg. 9544, effective July 1, 1997, for a maximum of 150 days)

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- 10) Are there any Proposed Amendments pending to this Part? No
- 11) Statement of Statewide Policy Objectives: These emergency amendments do not affect units of local government.
- 12) Information and questions regarding these Emergency Amendments shall be directed to:

Name: Joanne Jones
 Address: Bureau of Rules and Regulations
 Illinois Department of Public Aid
 100 South Grand Avenue East, Third Floor
 Springfield, Illinois 62762
 Telephone: (217) 524-0081

The full text of the Emergency Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
 CHAPTER I: DEPARTMENT OF PUBLIC AID
 SUBCHAPTER d: MEDICAL PROGRAMS

PART 148
 HOSPITAL SERVICES

Section	
148.10	Hospital Services
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148.25	Definitions and Applicability
148.30	General Requirements
148.40	Special Requirements
148.50	Covered Hospital Services
148.60	Services Not Covered as Hospital Services
148.70	Limitation On Hospital Services
148.80	Organ Transplants Services Covered Under Medicaid (Repealed)
148.82	Organ Transplant Services
148.90	Heart Transplants (Repealed)
148.100	Liver Transplants (Repealed)
148.110	Bone Marrow Transplants (Repealed)
148.120	Disproportionate Share Hospital (DSH) Adjustments
148.130	Outlier Adjustments for Exceptionally Costly Stays
148.140	Hospital Outpatient and Clinic Services
148.150	Public Law 103-66 Requirements
148.160	Payment Methodology for County-Owned Hospitals in a County with a Population of Over Three Million
148.170	Payment Methodology for Hospitals Organized Under the University of Illinois Hospital Act
148.175	Supplemental Disproportionate Share Payment Methodology for Hospitals Organized Under the Town Hospital Act
148.180	Payment for Pre-operative Days, Patient Specific Orders, and Services Which Can Be Performed in an Outpatient Setting
148.190	Copayments
148.200	Alternate Reimbursement Systems
148.210	Filing Cost Reports
148.220	Pre September 1, 1991 Admissions
148.230	Admissions Occurring on or after September 1, 1991
148.240	Utilization Review and Furnishing of Inpatient Hospital Services Directly or Under Arrangements
148.250	Determination of Alternate Payment Rates to Certain Exempt Hospitals
148.260	Calculation and Definitions of Inpatient Per Diem Rates
148.270	Determination of Alternate Cost Per Diem Rates for All Hospitals; Payment Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other Hospitals
148.280	Reimbursement Methodologies for Children's Hospitals and Hospitals Reimbursed Under Special Arrangements
148.285	Excellence in Academic Medicine Payments

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148.290	Adjustments and Reductions to Total Payments
148.295	Critical Hospital Adjustment Payment (CHAP)
<u>EMERGENCY</u>	
148.296	Supplemental Critical Hospital Adjustment Payments (SCHAP)
<u>EMERGENCY</u>	
148.300	Payment
148.310	Review Procedure
148.320	Alternatives
148.330	Exemptions
148.340	Subacute Alcoholism and Substance Abuse Treatment Services
148.350	Definitions
148.360	Types of Subacute Alcoholism and Substance Abuse Treatment Services
148.368	Volume Adjustment (Repealed)
148.370	Payment for Subacute Alcoholism and Substance Abuse Treatment Services
148.380	Rate Appeals for Subacute Alcoholism and Substance Abuse Treatment Services
148.390	Hearings
148.400	Special Hospital Reporting Requirements

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. III] and implementing and authorized by Articles III, IV, V, VI, and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Sections 148.10 thru 148.390 recodified from 89 Ill. Adm. Code 140.94 thru 140.398 at 13 Ill. Reg. 9572; Section 148.120 recodified from 89 Ill. Adm. Code 140.110 at 13 Ill. Reg. 12118; amended at 14 Ill. Reg. 2553, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 11392, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 15358, effective September 13, 1990; amended at 14 Ill. Reg. 16998, effective October 4, 1990; amended at 14 Ill. Reg. 18293, effective October 30, 1990; amended at 14 Ill. Reg. 18499, effective November 8, 1990; emergency amendment at 15 Ill. Reg. 10502, effective July 1, 1991, for a maximum of 150 days; emergency expired October 29, 1991; emergency amendment at 15 Ill. Reg. 12005, effective August 9, 1991, for a maximum of 150 days; emergency expired January 6, 1992; emergency amendment at 15 Ill. Reg. 16166, effective November 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18684, effective December 23, 1991; amended at 16 Ill. Reg. 11335, effective June 30, 1992, for a maximum of 150 days; emergency expired November 27, 1992; emergency amendment at 16 Ill. Reg. 11942, effective July 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14778, effective October 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19873, effective December 7, 1992; amended at 17 Ill. Reg. 131, effective December 21, 1992; amended at 17 Ill. Reg. 3296, effective March 1, 1993; amended at 17 Ill. Reg. 6649, effective April 21, 1993; amended at 17 Ill. Reg. 14643, effective August 30, 1993; emergency amendment at 17 Ill. Reg. 17323, effective October 1, 1993, for a maximum of 150 days; amended

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at 18 Ill. Reg. 3450, effective February 28, 1994; emergency amendment at 18 Ill. Reg. 12853, effective August 2, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 14117, effective September 1, 1994; amended at 18 Ill. Reg. 17648, effective November 29, 1994; amended at 19 Ill. Reg. 1067, effective January 20, 1995; emergency amendment at 19 Ill. Reg. 3510, effective March 1, 1995, for a maximum of 150 days; emergency expired July 29, 1995; emergency amendment at 19 Ill. Reg. 6709, effective May 12, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10060, effective June 29, 1995; emergency amendment at 19 Ill. Reg. 10752, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13009, effective September 5, 1995; amended at 19 Ill. Reg. 16630, effective November 28, 1995; amended at 20 Ill. Reg. 872, effective December 29, 1995; amended at 20 Ill. Reg. 7912, effective May 31, 1996; emergency amendment at 20 Ill. Reg. 9281, effective July 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 12510, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15722, effective November 27, 1996; amended at 21 Ill. Reg. 607, effective January 2, 1997; amended at 21 Ill. Reg. 18266, effective June 23, 1997; emergency amendment at 21 Ill. Reg. _____, effective July 1, 1997, for a maximum of 150 days.

Section 148.295 Critical Hospital Adjustment Payments (CHAP)**EMERGENCY**

Critical Hospital Adjustment Payments (CHAP) shall be made to all eligible hospitals excluding county-owned hospitals, as described in Section 148.25 (b)(1)(A), and hospitals organized under the University of Illinois Hospital Act, as described in Section 148.25 (b)(1)(B), for inpatient admissions occurring on or after July 1, 1995, in accordance with this Section.

a) Trauma Center Adjustments (TCA)

The Department shall make a trauma center adjustment (TCA) to Illinois hospitals recognized, as of the last day of June preceding the CHAP rate period, as a Level I or Level II trauma center by the Illinois Department of Public Health, in accordance with the provisions of subsections (a)(1) through (a)(3) below.

1) Level I Trauma Center Adjustment (TCA).

A) Criteria. Illinois hospitals that, on the last day of June preceding the CHAP rate period, are recognized as a Level I trauma center by the Illinois Department of Public Health shall receive the Level I trauma center adjustment.

B) Adjustment. Illinois hospitals meeting the criteria specified in subsection (a)(1)(A) above shall receive an adjustment as follows:

- i) Hospitals with Medicaid trauma admissions equal to or greater than the mean Medicaid trauma admissions, for all hospitals qualifying under (a)(1)(A) above, shall receive an adjustment of \$19,700.00 per Medicaid trauma admission in the CHAP base period.
- ii) Hospitals with Medicaid trauma admissions less than

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the mean Medicaid trauma admissions, for all hospitals qualifying under (a)(1)(A) above, shall receive an adjustment of \$12,500-00 per Medicaid trauma admission in the CHAP base period.

- 2) Level II Rural Trauma Center Adjustment (TCA). Illinois rural hospitals, as defined in Section 148.25(g)(3), that, on the last day of June preceding the CHAP rate period, are recognized as a Level II trauma center by the Illinois Department of Public Health shall receive an adjustment of \$9,900-00 per Medicaid trauma admission in the CHAP base period.

- 3) Level II Urban Trauma Center Adjustment (TCA). Illinois urban hospitals, as described in Section 148.25(g)(4), that, on the last day of June preceding the CHAP rate period, are recognized as Level II trauma centers by the Illinois Department of Public Health shall receive an adjustment of \$9,900-00 per Medicaid trauma admission in the CHAP base period, provided that such hospital meets the criteria described below:

- A) The hospital is located in a county with no Level I trauma center; and
- B) The hospital is located in a Health Professional Shortage Area (HPSA) (42 CFR 5), as of the last day of June preceding the CHAP rate period, and has a Medicaid trauma admission percentage at or above the mean of the individual facility values determined in subsection (a)(3)(A) above; or the hospital is not located in a HPSA (42 CFR 5) and has a Medicaid trauma admission percentage that is at least the mean plus one standard deviation of the individual facility values determined in subsection (a)(3)(A) above.

- b) Rehabilitation Hospital Adjustment (RHA)

Illinois hospitals that, on the last day of June preceding the CHAP rate period, qualify as rehabilitation hospitals, as defined in 89 Ill. Adm. Code 149.50(c)(2) and are accredited by the Commission on Accreditation of Rehabilitation Facilities (CARF), shall receive a rehabilitation hospital adjustment in the CHAP rate period that consists of the following three components:

- 1) Treatment Component. All hospitals defined in subsection (b) above shall receive \$3,800-00 per Medicaid Level I rehabilitation admission in the CHAP base period.

- 2) Facility Component. All hospitals defined in subsection (b) above shall receive a facility component that shall be based upon the number of Medicaid Level I rehabilitation admissions in the CHAP base period as follows:

- A) Hospitals with fewer than 90 Medicaid Level I rehabilitation admissions in the CHAP base period shall receive a facility component of \$250,000 ~~\$100,000-00~~ in the CHAP rate period.

- B) Hospitals with 90 or more Medicaid Level I rehabilitation admissions in the CHAP base period shall receive a facility component of \$575,000 ~~\$400,000-00~~ in the CHAP rate period.

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- 3) Health Professional Shortage Area Adjustment Component. Hospitals defined in subsection (b) above, that are located in a Health Professional Shortage Area (HPSA) (42 CFR 5) as of the last day of June preceding the CHAP rate period, shall receive \$300-00 per Medicaid Level I rehabilitation inpatient day in the CHAP base period.

- c) Direct Hospital Adjustment (DHA) Criteria
To qualify for the DHA under this subsection (c), hospitals must meet one of the following criteria:

- 1) Be an Illinois hospital located outside of Health Service Area (HSA) six that meets one of the following criteria:

- A) Has a Medicaid inpatient utilization rate on the last day of June preceding the CHAP rate period, as defined in Section 148.120(k)(5), greater than 60 percent and has an average length of stay of less than ten days.

- B) Is a major teaching hospital with 35 or more graduate medical education programs accredited by the American Accreditation Council for Graduate Medical Education, the American Osteopathic Association Division of Post-doctoral Training, or the American Dental Association Joint Commission on Dental Accreditation.

- 2) Be a hospital located in HSA six, excluding psychiatric and rehabilitation hospitals as defined in 89 Ill. Adm. Code 149.50(c)(1) and (c)(2), that meets one of the following criteria:

- A) Is a hospital whose sum of the critical weighting factors is greater than one standard deviation above the mean of the summed critical weighting factors for all hospitals located within the same planning area. The critical weighting factor is determined as follows:

- i) Hospitals that, on the last day of June preceding the CHAP rate period, are designated as a Level III, II, or I Perinatal Center by the Illinois Department of Public Health shall receive a critical weighting factor of 10, 7.5, or 5 respectively depending on the hospital's perinatal level designation.

- ii) Hospitals that, on the last day of June preceding the CHAP rate period, are recognized as a Level I or II Trauma Center by the Illinois Department of Public Health shall receive a critical weighting factor of ten or five respectively depending on the hospital's trauma level designation.

- iii) Hospitals that, on the last day of June preceding the CHAP rate period, are eligible for disproportionate share payments as described in Section 148.120(g)(1) or (g)(2) shall receive a critical weighting factor of five.

- iv) Hospitals that have an occupancy ratio, as determined

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by the Illinois Department of Public Health (IDPH), based upon the most current IDPH published report entitled "Bed Count, Average Length of Stay, Average Daily Census and Percent Occupancy for Non-Federal Hospitals in Illinois", which is available to the Illinois Department of Public Aid on the last day of June preceding the CHAP rate period, which is equal to or greater than the mean occupancy ratio for all hospitals in the planning area shall receive a critical weighting factor of five.

v) Hospitals which have Medicaid obstetrical care admissions in the CHAP base period that are equal to or greater than one-half a standard deviation above the mean Medicaid obstetrical care admissions in their planning area shall receive a critical weighting factor of ten. If the hospital's Medicaid obstetrical care admissions are greater than the mean but less than one-half a standard deviation above the mean Medicaid obstetrical care admissions in their planning area, the hospital shall receive a critical weighting factor of five.

vi) Hospitals that on the last day of June preceding the CHAP rate period have a Medicaid inpatient utilization rate as defined in Section 148.120(k)(5) which is equal to or greater than one-half a standard deviation above the mean Medicaid inpatient utilization rate in their planning area, shall receive a critical weighting factor of ten. If the hospital's Medicaid inpatient utilization rate is greater than the mean but less than one-half a standard deviation above the mean Medicaid inpatient utilization rate in their planning area, the hospital shall receive a critical weighting factor of five.

vii) Hospitals which have Medicaid general care admissions in the CHAP base period that are equal to or greater than one-half a standard deviation above the mean Medicaid general care admissions in their planning area shall receive a critical weighting factor of ten. If the hospital's Medicaid general care admissions are greater than the mean but less than one-half a standard deviation above the mean Medicaid general care admissions in their planning area, the hospital shall receive a critical weighting factor of five.

viii) Hospitals which have a cost per day at 80 percent occupancy that is less than or equal to one-half a standard deviation below the mean cost per day at 80 percent occupancy in their planning area shall receive a critical weighting factor of ten. If the hospital's

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cost per day at 80 percent occupancy is greater than one-half a standard deviation below the mean cost per day at 80 percent occupancy but less than the mean cost per day at 80 percent occupancy in their planning area, the hospital shall receive a critical weighting factor of five.

B) Is a major teaching hospital with 40 or more graduate medical education programs accredited by the American Accreditation Council for Graduate Medical Education, the American Osteopathic Association Division of Post-doctoral Training, or the American Dental Association Joint Commission on Dental Accreditation.

C) Is a hospital with 3,400 or more Medicaid general care admissions in the CHAP base period.

3) Be a hospital qualifying under subsection (c)(2) above that has Medicaid obstetrical care admissions in the CHAP base period which are equal to or greater than 2,400.

4) Be a hospital qualifying under subsection (c)(2) above that on the last day of June preceding the CHAP rate period, is designated as a Level III or II Perinatal Center by the Illinois Department of Public Health, and that has a Medicaid inpatient utilization rate, as defined in Section 148.120(k)(5), which is greater than one-half a standard deviation above the statewide mean Medicaid inpatient utilization rate, as defined in Section 148.120(k)(3), and that has at least one obstetrical graduate medical education program accredited by the American Accreditation Council for Graduate Medical Education, the American Osteopathic Association Division of Post-doctoral Training, or the American Dental Association Joint Commission on Dental Accreditation.

5) Be a children's hospital, which means a hospital devoted exclusively to caring for children. A hospital which includes a facility devoted exclusively to caring for children that is separately licensed as a hospital by a municipality shall be considered a children's hospital to the degree that the hospital's Medicaid care is provided to children.

d) DHA Adjustment

Calculation of the DHA is as follows:

1) Hospitals qualifying under subsection (c)(1)(A) above shall receive an DHA of \$60-00 per Medicaid inpatient day in the CHAP base period.

2) Hospitals qualifying under subsection (c)(1)(B), (c)(2) or (c)(5) above shall receive an DHA of \$30-00 per Medicaid inpatient day in the CHAP base period.

3) Hospitals qualifying under subsection (c)(5) above which have a Medicaid inpatient utilization rate, as defined in Section 148.120(k)(5), on the last day of June preceding the CHAP rate period, that is greater than 85 percent shall receive an

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additional \$20-00 per Medicaid inpatient day in the CHAP base period.

- 4) Hospitals qualifying under subsection (c)(2)(B) above shall receive an additional \$10-00 per Medicaid inpatient day in the CHAP base period.

- 5) Hospitals qualifying under subsection (c)(3) or (c)(4) above shall receive an additional \$120-00 per Medicaid inpatient day in the CHAP base period if their Medicaid inpatient utilization rate, as defined in Section 148.120(k)(5), on the last day of June preceding the CHAP rate period, is equal to or greater than 50 percent; or \$65-00 per Medicaid inpatient day in the CHAP base period if their Medicaid inpatient utilization rate, as defined in Section 148.120(k)(5), on the last day of June preceding the CHAP rate period, is less than 50 percent.

- e) Rural Critical Hospital Adjustment Payments (RCHAP)

Rural Critical Hospital Adjustment Payments (RCHAP) shall be made to rural hospitals, as described in 89 Ill. Adm. Code 140.80(j)(1), for certain inpatient admissions occurring on or after September 1, 1996. The Department shall make a RCHAP adjustment payment to hospitals qualifying under this subsection at a rate that is the greater of:

- 1) the product of \$1,490 multiplied by the number of RCHAP Obstetrical Care Admissions in the CHAP base period, or
- 2) the product of \$150 multiplied by the number of RCHAP General Care Admissions in the CHAP base period.

- f) Each eligible hospital's critical hospital adjustment payment for the CHAP rate period shall equal the sum of the amounts described in subsections (a), (b), (d) and (e) above. The critical hospital adjustment payments shall be paid to eligible hospitals on a quarterly basis.

- g) Critical Hospital Adjustment Limitations

Hospitals that qualify for trauma center adjustments under subsection (a) shall not be eligible for the total trauma center adjustment if, during the CHAP rate period, the hospital is no longer recognized by the Illinois Department of Public Health as a Level I trauma center as required for the adjustment described in subsection (a)(1) above, or a Level II trauma center as required for the adjustment described in subsection (a)(2) or (a)(3) above. In these instances, the adjustments calculated shall be pro-rated, as applicable, based upon the date that such recognition ceased.

- h) Critical Hospital Adjustment Payment Definitions

The definitions of terms used with reference to calculation of the CHAP required by this Section are as follows:

- 1) "CHAP base period" means State Fiscal Year 1994 for CHAP payments calculated for the July 1, 1995, CHAP rate period; State Fiscal Year 1995 for CHAP payments calculated for the July 1, 1996, CHAP rate period; etc.
- 2) "CHAP rate period" means, beginning July 1, 1995, the 12 month period beginning on July 1 of the year and ending June 30 of the

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following year.

- 3) "Cost Per Day at 80 Percent Occupancy" means the estimated inpatient cost per day had the hospital been operating at an 80 percent occupancy rate.

- 4) "Medicaid General Care Admission" means hospital inpatient admissions which were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of the Social Security Act, excluding admissions for normal newborns, Medicare/Medicaid crossover admissions, psychiatric and rehabilitation admissions.

- 5) "Medicaid Inpatient Day" means hospital inpatient days which were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of the Social Security Act, excluding days for normal newborns and Medicare/Medicaid crossover days.

- 6) "Medicaid Level I rehabilitation admissions" means those claims billed as Level I admissions which were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, with an occurrence code of 63 when applicable and an ICD-9-CM principal diagnosis code of: 054.3, 310.1 through 310.2, 320.1, 336.0 through 336.9, 344.0 through 344.2, 344.8 through 344.9, 348.1, 801.30, 803.10, 803.84, 806.0 through 806.19, 806.20 through 806.24, 806.26, 806.29 through 806.34, 806.36, 806.4 through 806.5, 851.06, 851.80, 853.05, 854.0 through 854.04, 854.06, 854.1 through 854.14, 854.16, 854.19, 905.0, 907.0, 907.2, 952.0 through 952.09, 952.10 through 952.16, 952.2, and V57.0 through V57.89, excluding admissions for normal newborns.

- 7) "Medicaid Level I rehabilitation inpatient day" means the days associated with the claims defined in subsection (h)(6) above.

- 8) "Medicaid obstetrical care admission" means hospital inpatient admissions which were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of Social Security Act, with an ICD-9-CM principal diagnosis code of 640.0 through 648.9 with a 5th digit of 1 or 2; 650; 651.0 through 659.9 with a 5th digit of 1, 2, 3, or 4; 660.0 through 669.9 with a 5th digit of 1, 2, 3, or 4; 670.0 through 676.9 with a 5th digit of 1 or 2; or V27 through V27.9; or V30 through V39.9; or any ICD-9-CM principal diagnosis code that is accompanied with a surgery procedure code between 72 and 75.99; and specifically excludes Medicare/Medicaid crossover claims.

- 9) "Medicaid trauma admission" means those claims billed as

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admissions which were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, with an ICD-9-CM principal diagnosis code of: 800.0 through 800.99, 801.0 through 801.99, 802.0 through 802.99, 803.0 through 803.99, 804.0 through 804.99, 805.0 through 805.98, 806.0 through 806.99, 807.0 through 807.69, 808.0 through 808.9, 809.0 through 809.1, 828.0 through 828.1, 839.0 through 839.3, 839.7 through 839.9, 850.0 through 850.9, 851.0 through 851.99, 852.0 through 852.59, 853.0 through 853.19, 854.0 through 854.19, 860.0 through 860.5, 861.0 through 861.32, 862.8, 863.0 through 863.99, 864.0 through 864.19, 865.0 through 865.19, 866.0 through 866.13, 867.0 through 867.9, 868.0 through 868.19, 869.0 through 869.1, 887.0 through 887.7, 896.0 through 896.3, 897.0 through 897.7, 900.0 through 900.9, 902.0 through 904.9, 925, 926.8, 929.0 through 929.99, 958.4, 958.5, 990 through 994.99. For those hospitals recognized as Level I trauma centers solely for pediatric trauma cases, Medicaid trauma admissions are only calculated for the claims billed as admissions, excluding admissions for normal newborns, which were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, with ICD-9-CM diagnoses within the above ranges for children under the age of 18 excluding admissions for normal newborns.

10) "Medicaid trauma admission percentage" means a fraction, the numerator of which is the hospital's Medicaid trauma admissions and the denominator of which is the total Medicaid trauma admissions in a given 12 month period for all Level II urban trauma centers.

11) The CHAP base period means State Fiscal Year 1995 for RCHAP's calculated for the July 1, 1996, CHAP rate period; State Fiscal Year 1996 for RCHAP's calculated for July 1, 1997, CHAP rate period; etc.

12) RCHAP General Care Admission means Medicaid General Care Admissions, as defined in subsection (h)(4) above, less RCHAP Obstetrical Care Admissions, occurring in the CHAP base period.

13) RCHAP Obstetrical Care Admissions means Medicaid General Care Admissions, as defined in subsection (h)(4) above, with a Diagnosis Related Group (DRG) of 370 through 375, occurring in the CHAP base period.

(Source: Emergency amendment at 21 Ill. Reg. 9559, effective July 1, 1997, for a maximum of 150 days)

Section 148.296 Supplemental Critical Hospital Adjustment Payments (SCHAP) EMERGENCY

Supplemental Critical Hospital Adjustment Payments (SCHAP) shall be made to all

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eligible hospitals excluding county-owned hospitals, as described in Section 148.25 (b)(1)(A), hospitals organized under the University of Illinois Hospital Act, as described in Section 148.25 (b)(1)(B), hospitals described in 89 Ill. Adm. Code 149.50(c)(1), (c)(2) or (c)(4), and hospitals described in Section 148.120(a)(5) with a Medicaid inpatient utilization rate that is less than 80 percent, for inpatient admissions occurring on or after July 1, 1997 in accordance with this Section.

a) To qualify for payments under this Section, a hospital must be located in Health Service Area (HSA) 6 or HSA 11 and satisfy one of the following criteria during the Supplemental CHAP base period:

1) A hospital's
A) Medicaid obstetrical care admissions are greater than or equal to the mean number of Medicaid obstetrical care admissions for all hospitals located within the same Health Facilities Planning Area (HPA);

B) Total critical weighting factor is greater than or equal to the mean total critical weighting factors of all hospitals located within the same HSA; and

C) Medicaid Inpatient Utilization Rate (MIUR) is greater than or equal to the mean MIUR of all hospitals located within the same HSA.

2) A hospital has

A) 5000 or more total Medicaid admissions billed to the Department excluding normal newborns and Medicaid/Medicare crossovers;

B) an occupancy percentage rate greater than the mean occupancy percentage rate, as defined by the Department of Public Health, of all hospitals within the same HSA; and

C) an MIUR greater than or equal to 55 percent.

3) A hospital that is a children's hospital, as defined in Section 148.120(a)(5), and has an MIUR greater than or equal to 80 percent.

4) A hospital that is located in an HPA where all hospitals also are located in a Health Professional Shortage Area (HPSA), as designated in the Federal Register for the Supplemental CHAP base period, and has the greatest number of Medicaid obstetrical care admissions among all hospitals within that same HPA.

5) A hospital that provides at least 900 Medicaid obstetrical admissions and possesses an MIUR that is greater than or equal to 70 percent.

6) A hospital that has an MIUR that is greater than or equal to 75 percent.

b) The Department will make payments during the CHAP rate period to qualifying SCHAP hospitals under the following methodology.

1) For hospitals qualifying under subsection (a)(1) above that are located in HSA 6, the payment shall equal the product of the total Medicaid general care admissions multiplied by:

A) \$620 for hospitals that

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- i) have an MIUR that is greater than or equal to one standard deviation above the mean MIUR of all hospitals within HSA 6, and
- ii) have a total critical weighting factor that is greater than or equal to one standard deviation above the mean of the total critical weighting factor for all hospitals within HSA 6.
- B) \$615 for hospitals that
- i) have an MIUR that is greater than or equal to one-half standard deviation, but less than one standard deviation, above the mean MIUR of all hospitals within HSA 6, and
- ii) have a total critical weighting factor that is greater than or equal to one-half standard deviation, but less than one standard deviation, above the mean total critical weighting factor of all hospitals within HSA 6.
- C) \$610 for hospitals that
- i) have an MIUR that is greater than or equal to the mean, but less than one-half standard deviation, above the mean MIUR of all hospitals within HSA 6, and
- ii) have a total critical weighting factor that is greater than or equal to the mean, but less than one-half standard deviation, above the mean total critical weighting factor of all hospitals within HSA 6.
- 2) For hospitals qualifying under subsection (a)(1) above that are located in HSA 11, the payment shall equal the product of the total Medicaid general care admissions multiplied by:
- A) \$835 for hospitals that
- i) have an MIUR that is greater than or equal to one standard deviation above the mean MIUR of all hospitals within HSA 11, and
- ii) have a total critical weighting factor that is greater than or equal to one standard deviation above the mean of the total critical weighting factor for all hospitals within HSA 11.
- B) \$775 for hospitals that
- i) have an MIUR that is greater than or equal to one-half standard deviation, but less than one standard deviation, above the mean MIUR of all hospitals within HSA 11, and
- ii) have a total critical weighting factor that is greater than or equal to one-half standard deviation, but less than one standard deviation, above the mean total critical weighting factor of all hospitals within HSA 11.
- C) \$700 for hospitals that
- i) have an MIUR that is greater than or equal to the

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- mean, but less than one-half standard deviation, above the mean MIUR of all hospitals within HSA 11, and
- ii) have a total critical weighting factor that is greater than or equal to the mean, but less than one-half standard deviation, above the mean total critical weighting factor of all hospitals within HSA 11.
- 3) For hospitals qualifying under subsection (a)(2) above, the payment shall equal the product of the total Medicaid general care admissions, multiplied by \$375.
- 4) For hospitals qualifying under subsection (a)(3) above, the payment shall equal the product of the total Medicaid general care days, multiplied by \$125.
- 5) For hospitals qualifying under subsection (a)(4) above, the payment shall equal the product of the total Medicaid general care days, multiplied by \$90.
- 6) For hospitals qualifying under subsection (a)(5) above and located in HSA 6, the payment shall equal the product of the total Medicaid general care admissions, multiplied by \$875.
- 7) For hospitals qualifying under subsection (a)(5) above and located in HSA 11, the payment shall equal the product of the total Medicaid general care admissions, multiplied by \$835.
- 8) For hospitals qualifying under subsection (a)(6) above and located in HSA 6, the payment shall equal the product of the total Medicaid general care admissions, multiplied by \$420.
- 9) For hospitals qualifying under subsection (a)(6) above and located in HSA 11, the payment shall equal the product of the total Medicaid general care admissions, multiplied by \$400.
- c) A hospital may only receive payments under one of the payment methodologies described in subsection (b) above. In the event that a hospital qualifies under more than one criterion under subsection (a) of this Section, the Department will reimburse the hospital using the payment methodology that allows the largest payment.
- d) For any hospital that meets any of the payment criteria under subsection (b) above, the Department will increase the SCHAP payment if, during the Supplemental CHAP base period, a hospital meets either or both of the conditions under (d)(1) or (d)(2) below.
- 1) A hospital has
- A) Medicaid obstetrical care admissions greater than or equal to the mean number of Medicaid obstetrical care admissions of all hospitals located in the qualifying hospital's HSA,
- B) a total critical weighting factor that is greater than or equal to the mean total critical weighting factor of all hospitals located in the qualifying hospital's HSA, and
- C) an MIUR greater than or equal to the mean MIUR of all hospitals located in the qualifying hospital's HSA.
- 2) A hospital has an MIUR greater than or equal to 70 percent.
- e) Additional SCHAP payments shall be paid under the following methodologies:

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- 1) For hospitals qualifying under subsection (d)(1) above and located in HSA 6, the payment shall equal the product of \$40 multiplied by the hospital's total Medicaid admissions.
 - 2) For hospitals qualifying under subsection (d)(1) above and located in HSA 11, the payment shall equal the product of \$405 multiplied by the hospital's total Medicaid admissions.
 - 3) For hospitals qualifying under subsection (d)(2) above and located in HSA 6, the payment shall equal the product of \$185 multiplied by the hospital's total Medicaid admissions.
 - 4) For hospitals qualifying under subsection (d)(2) above and located in HSA 11, the payment shall equal the product of \$330 multiplied by the hospital's total Medicaid admissions.
- f) SCHAP payments under this Section shall be paid on a quarterly basis.

g) Definitions:

- 1) "Supplemental CHAP base period" means services provided during State Fiscal Year 1995 and adjudicated by the Department by June 30, 1996.
- 2) "CHAP rate period", as used in this Section, has the same meaning as defined in Section 148.295(h)(2).
- 3) "Medicaid general care admissions", as used in this Section, has the same meaning as defined in Section 148.295(h)(4) for the Supplemental CHAP base period.
- 4) "Medicaid general care day" means a hospital inpatient day for the Supplemental CHAP base period for recipients of medical assistance under Title XIX of the Social Security Act, excluding days for normal newborns, Medicare/Medicaid crossover days, psychiatric and rehabilitation days.
- 5) "Medicaid Inpatient Utilization Rate (MIUR)", as used in this Section, has the same meaning as defined in Section 148.120(k)(5), in effect for the rate period October 1, 1996, through September 30, 1997.
- 6) "Medicaid obstetrical care admissions", as used in this Section, has the same meaning as defined in Section 148.295(h)(8) for the Supplemental CHAP base period.
- 7) "Total critical weighting factor", as used in this Section, has the same meaning as "sum of the critical weighting factors" as defined in Section 148.295(c)(2)(A) for the Supplemental CHAP base period.
- 8) "Total Medicaid admissions" means hospital inpatient admissions for the Supplemental CHAP base period for recipients of medical assistance under Title XIX of the Social Security Act, excluding admissions for normal newborns and Medicare/Medicaid crossover admissions.

(Source: Emergency added at 21 Ill. Reg. 8582, effective July 1, 1997, for a maximum of 150 days)

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- 1) Heading of the Part: Long Term Care Reimbursement Changes
- 2) Code Citation: 89 Ill. Adm. Code 153
- 3) Section Numbers: Emergency Action: 153.100 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 90-9
- 5) Effective Date of Amendments: July 1, 1997
- 6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable
- 7) Date Filed in Agency's Principal Office: July 1, 1997
- 8) Reason for Emergency: These emergency amendments are being filed pursuant to the Governor's fiscal year 1998 budget plan and the enactment of the State's budget by the Legislature. The continuation of current reimbursement levels for long term care facility services is a necessary component of this budget plan. Emergency rulemaking is specifically authorized for the expeditious implementation of these budget initiatives by Section 5-45(d) of Public Act 90-9.
- 9) Complete Description of the Subjects and Issues Involved: These emergency amendments concerning payments for long term care services are necessary to implement the State's fiscal year 1998 budget plan which requires the continuation of current reimbursement levels. The amendments also reassign the \$.10 emergency dental services add-on which has been in effect since December 1, 1995. This add-on was necessary because the State's budget plan for fiscal year 1996 called for cost containment measures in several areas of the Department's medical assistance program and coverage for some optional Medicaid funded care, including dental services, was eliminated for recipients age 21 or over. However, coverage was restored for emergency dental services for adults in January 1997. Therefore, for nursing facilities, the Department is reassigning the \$.10 emergency dental add-on to the per diem for care planning, increasing the amount from \$.35 to \$.45. These changes regarding nursing facilities have been proposed in 89 Ill. Adm. Code 147.205 and were published on May 16, 1997, at 21 Ill. Reg. 6033. Additionally, the Department of Mental Health and Developmental Disabilities, which is responsible for the ICF/MR program, is reassigning the \$.10 emergency dental add-on to the per diem for prophylaxis treatment and periodontal services, increasing the amount from \$.30 to \$.40. These changes pertaining to ICF/MR facilities have been proposed in 89 Ill. Adm. Code 144, and were published on May 16, 1997, at 21 Ill. Reg 3042.

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These emergency amendments are not expected to result in any budgetary changes. The amendments were proposed in the June 27, 1997, issue of the *Illinois Register* at 21 Ill. Reg. 7840.

10) Are there any Proposed Amendments pending to this Part? Yes

Sections	Proposed Action	Illinois Register Citation
153.100	Amendment	June 27, 1997 (21 Ill. Reg. 7840)

11) Statement of Statewide Policy Objectives: These emergency amendments do not affect units of local government.

12) Information and questions regarding these Emergency Amendments shall be directed to:

Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
(217) 524-0081

The full text of the Emergency Amendments begins on the next page:

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NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER e: GENERAL TIME-LIMITED CHANGES

PART 153

LONG TERM CARE REIMBURSEMENT CHANGES

Section

153.100 Reimbursement for Long Term Care Services

EMERGENCY

153.125 Long Term Care Facility Rate Adjustment

153.150 Quality Assurance Review (Repealed)

AUTHORITY: Implementing and authorized by Articles III, IV, V, and VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, and VI and 12-13] and implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. III].

SOURCE: Emergency rules adopted at 18 Ill. Reg. 2159, effective January 18, 1994, for maximum of 150 days; adopted at 18 Ill. Reg. 10154, effective June 17, 1994; emergency amendment at 18 Ill. Reg. 11380, effective July 1, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16669, effective November 1, 1994; emergency amendment at 19 Ill. Reg. 10245, effective June 30, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16281, effective November 27, 1995; emergency amendment at 20 Ill. Reg. 9306, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14840, effective November 1, 1996; emergency amendment at 21 Ill. Reg. 14840, effective July 1, 1997, for a maximum of 150 days.

Section 153.100 Reimbursement for Long Term Care ServicesEMERGENCY

- a) Notwithstanding the provisions set forth in 89 Ill. Adm. Code 140, 144 and 147 for reimbursement of long term care services, effective January 18, 1994, reimbursement rates for long term care facilities (SNF/ICF and ICF/MR) and day training providers will remain at the levels in effect on January 18, 1994, except as otherwise provided in this Section.
- b) The results of Inspection of Care (IOC) surveys for which the exit conference is completed prior to January 18, 1994, will be processed and reflected in facility rates effective with the annual nursing rate adjustment date. The reconsideration process which is provided for in 89 Ill. Adm. Code 147.100 remains in effect for these surveys and other surveys set forth in this Section.
- c) Capital and support rates in effect on January 18, 1994, will be adjusted based on final audits of cost report data in accordance with 89 Ill. Adm. Code 140.582(b) and 140.590.
- d) Capital rates will be increased for major capital improvements in

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- e) New facilities which are assigned median rates in accordance with 89 Ill. Adm. Code 140.560(b) will have rates recalculated based upon receipt of their first cost report and first IOC survey.
- f) Rates may change based upon an interim IOC conducted at the facility's written request for any facility which changed ownership no earlier than 90 days prior to and not later than January 18, 1994. The interim IOC request must include justification and documentation which supports one of the criteria set forth in 89 Ill. Adm. Code 147.150(d).
- g) Requests for interim IOCs received through January 18, 1994, will be processed in accordance with 89 Ill. Adm. Code 147.150(d).
- h) Interim IOCs may be conducted, at the facility's written request, if there has been a change in the Medicaid census since the last IOC survey in accordance with 89 Ill. Adm. Code 147.150(d), except that the requirement that the request must be made within 180 days after the last IOC, need not be met. The written request must contain documentation supporting the change in Medicaid census.
- i) The Department reserves the right to initiate interim IOC surveys, if necessary, based upon a significant reduction in the level of resident care or for the health and safety concerns of residents.
- j) Any rate adjustments that result from an interim IOC conducted under this Section will have an effective date of the first day of the month following the exit date of the interim IOC.
- k) Requests for IOCs upon which rate determinations are based upon a Medicaid resident being transferred from a State operated developmentally disabled facility to a community setting will be considered on a case-by-case basis.
- l) Fiscal year 1996 support rates may change based on the first cost report filed by new ownership reflecting six months or more of the new ownership's operation for any facility which changed ownership between July 1, 1992, and January 18, 1994. Only changes in ownership in arms-length transactions between unrelated parties will be recognized for this rate change. The new support rate for those facilities will be calculated in accordance with 89 Ill. Adm. Code 140.560 and 140.561. Support rates for facilities which qualify under this exception will not be decreased by the provisions in this Section. The capital rates of facilities which changed ownership between July 1, 1992, and January 18, 1994, will not be subject to changes in the capital rate based on the provisions of 89 Ill. Adm. Code 140.571(b)(4), but can still be affected by the provisions of subsection (d) of this Section.
- m) For those for-profit facilities whose fiscal year 1994 capital rate does not include a real estate tax component because it is based upon a non-profit facility's cost report, effective July 1, 1995, the real estate tax component will be added to the capital rate based upon the fiscal year 1994 median real estate tax rate for the HSA in which the home is located.

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- n) If a non-profit facility changes ownership on or after July 1, 1995, and the new owner is a for-profit facility, the real estate tax component will be added to the capital rate effective with the change of ownership as recognized by the Illinois Department of Public Health. The real estate tax component will be added at the HSA median tax rate in effect for the month in which the real estate tax becomes effective.
- o) For those non-profit facilities whose fiscal year 1994 capital rate includes a real estate tax component based upon a for-profit facility's cost report, effective July 1, 1995, the real estate tax component of the capital rate will be removed (unless the non-profit facility rents the home from an unrelated for-profit entity).
- p) If a for-profit facility changes ownership on or after July 1, 1995, and the new owner is a non-profit facility, the real estate tax component will be removed from the capital rate effective with the date of change in ownership as recognized by the Illinois Department of Public Health. The real estate tax component will not be removed for a non-profit facility that rents the facility from an unrelated for-profit entity.
- q) Rates may change based upon verification of the delivery or non-delivery of psychiatric rehabilitation services to individuals with mental illness residing in nursing facilities. Psychiatric rehabilitation services program reimbursement will be dependent upon the facility meeting all criteria specified in 89 Ill. Adm. Code 147.300 through 147.345.
- r) The flat per diem paid to ICFs/MR to cover the cost of non-emergency dental services pursuant to 89 Ill. Adm. Code 144.275 and 144.300 will be increased from \$.30 to \$.40. ~~An add-on of \$-.10 per resident-day will be paid for emergency dental services including services needed to treat an episode of acute pain in the teeth, gums or palate, broken or otherwise damaged teeth, or any other problem of the oral cavity appropriately treated by a dentist, that requires immediate attention.~~
- s) Day training provider rates shall be increased by three percent for services provided on or after July 1, 1996.
- t) Effective for services provided on or after July 1, 1996, facilities which are located in an area which has changed geographic designation due to unique labor force factors shall have rates recalculated based upon the ceilings and norms of the newly designated geographic area.
- u) The add-on to the final nursing rate for care planning identified in 89 Ill. Adm. Code 147.205 will be increased from \$.35 to \$.45 ~~this Section shall be automatically repeated effective June 30, 1997.~~

(Source: Emergency at 21 Ill. Reg. 9568, effective July 1, 1997 for a maximum of 150 days).

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF RECODIFICATION

- 1) Heading of the Title: Conservation
- 2) Code Citation: Title 17
- 3) Date of Administrative Code Division Review: June 27, 1997
- 4) Headings of Parts Affected:

The Department of Conservation was changed to Department of Natural Resources by Executive Order Number 2 (1995).

The Part and Section numbers of this Title are not changing. Only the references to the agency within the text of the rules are being changed at this time.

Part Numbers	Headings:
4000	Management of Nature Preserves
4005	Public Meeting on Proposed Action - Nature Preserves Commission
4010	Register of Land and Water Reserves

DEPARTMENT OF AGRICULTURE

JULY 1997 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Animal Diagnostic Laboratory Act, 8 Ill. Adm. Code 110
- 1) Rulemaking:

A) Description: The Department will propose a fee to charge for CELISA tests for equine infectious anemia.

B) Statutory Authority: Animal Disease Laboratory Act [510 ILCS 10]

C) Scheduled meeting/hearing date: Proposed amendments to this Part must be approved by the Advisory Board of Livestock Commissioners. This advisory board will meet in mid-October, and a public hearing on the proposed rulemaking will run concurrently with the public meeting of the advisory board. Written comments may also be submitted during the 45-day public comment period following publication of the proposed rulemaking in the *Illinois Register*.

D) Date Agency anticipates First Notice: August, 1997

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect veterinarians and those requesting Department laboratory services. The 24-hour AGID test for equine infectious anemia will continue to be free for Illinois equidae owners. The CELISA test is a special one-hour test that is being offered as an alternative test and will have to be requested by the submitting veterinarian.

F) Agency contact person for information:

Name: Dr. Richard Hull
Address: Illinois Department of Agriculture
P.O. Box 19281
Springfield, IL 62794-9281
Telephone: 217/782-4944 FAX: 217/524-7702

G) Related rulemakings and other pertinent information: None

- b) Part(s) (Heading and Code Citation): Swine Disease Control and Eradication Act, 8 Ill. Adm. Code 105

1) Rulemaking:

A) Description: The Department will adopt the updated Pseudorabies Eradication State-Federal-Industry Program Standards that became effective January 1, 1997. The definition of tattoo is being amended to clarify the difference between a site tattoo as defined in the regulations as one assigned by a governmental agency and used exclusively with feeder pigs and the breed registry tattoo

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that is used for breeding animals.

- B) Statutory Authority: Illinois Swine Disease Control and Eradication Act [510 ILCS 100], the Illinois Pseudorabies Control Act [510 ILCS 90], and the Illinois Swine Brucellosis Eradication Act [510 ILCS 95].

- C) Scheduled meeting/hearing date: Proposed amendments to this Part must be approved by the Advisory Board of Livestock Commissioners. This advisory board will meet in mid-October, and a public hearing on the proposed rulemaking will run concurrently with the public meeting of the advisory board. Written comments may also be submitted during the 45-day public comment period following publication of the proposed rulemaking in the *Illinois Register*.

- D) Date Agency anticipates First Notice: August, 1997

- E) Effect on small businesses, small municipalities or not for profit corporations: No adverse impact is anticipated.

- F) Agency contact person for information:

Name: Dr. Richard Hull
Address: Illinois Department of Agriculture
P.O. Box 19281
Springfield, IL 62794-9281
Telephone: 217/782-4944 FAX: 217/524-7702

- G) Related rulemakings and other pertinent information: None

- c) Part(s) (Heading and Code Citation): Illinois Pseudorabies Control Act, 8 Ill. Adm. Code 115

1) Rulemaking:

- A) Description: The Department will adopt the revised Pseudorabies Eradication State-Federal-Industry Program Standards that became effective January 1, 1997, including revisions in the requirement for establishing and maintaining Qualified Pseudorabies Negative and Qualified Negative Gene-Altered Vaccinated Herds. The Department will also adopt guidelines for movement of feeder pigs entering Illinois from Stage I or Stage II states that move from nurseries to off-site finishers within the State. The Department will update references to the Code of Federal Regulations. The Department will clarify the exhibition testing requirements for Illinois swine.

- B) Statutory Authority: Illinois Pseudorabies Control Act [510 ILCS 90].

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- C) Scheduled meeting/hearing date: Proposed amendments to this Part must be approved by the Advisory Board of Livestock Commissioners. This advisory board will meet in mid-October, and a public hearing on the proposed rulemaking will run concurrently with the public meeting of the advisory board. Written comments may also be submitted during the 45-day public comment period following publication of the proposed rulemaking in the *Illinois Register*.

- D) Date Agency anticipates First Notice: August 1997.

- E) Effect on small businesses, small municipalities or not for profit corporations: Persons operating hog operations consisting of a nursery facility stocked with swine from pseudorabies Stage I or II states where these hogs are then moved to an off-site finisher within the State will be required to conduct a monitoring test of the nursery before these animals will be allowed to move.

- F) Agency contact person for information:

Name: Dr. Richard Hull
Address: Illinois Department of Agriculture
P.O. Box 19281
Springfield, IL 62794-9281
Telephone: 217/782-4944 FAX: 217/524-7702

- G) Related rulemakings and other pertinent information: None

- d) Part(s) (Heading and Code Citation): Illinois Bovine Tuberculosis Eradication Act, 8 Ill. Adm. Code 80

1) Rulemaking:

- A) Description: Proposed amendments will: (1) include bison, goats, sheep, antelope, and cervidae under the regulations; (2) clarify that bison are included under the program for certifying herds free of bovine tuberculosis; (3) include bison and cervidae under indemnity provisions as these classes of animals are included under the Federal indemnity program; (4) move the regulations pertaining to accredited tuberculosis-free goat herds from 8 Ill. Adm. Code 85, Diseased Animals, to this Part; (5) move the regulations pertaining to cervidae from 8 Ill. Adm. Code 85, Diseased Animals, to this Part and adopt the USDA program for accrediting, qualifying and monitoring tuberculosis-free cervid herds; (6) establish that Illinois does not recognize another state's tuberculosis status regarding bison; and (7) adopt the updated June 1997 publication of Uniform Methods and Rules.

- B) Statutory Authority: Illinois Bovine Tuberculosis Eradication Act [510 ILCS 35].

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C) Scheduled meeting/hearing date: Proposed amendments to this Part must be approved by the Advisory Board of Livestock Commissioners. This advisory board will meet in mid-October, and a public hearing on the proposed rulemaking will run concurrently with the public meeting of the advisory board. Written comments may also be submitted during the 45-day public comment period following publication of the proposed rulemaking in the *Illinois Register*.

D) Date Agency anticipates First Notice: August, 1997.

E) Effect on small businesses, small municipalities or not for profit corporations: As the herd certification program is a voluntary program, there is no mandated effect on small business, municipalities or not-for-profit corporations. The testing requirements for cervidae are currently included under the Diseased Animals Act, so there is no new testing requirements.

The non-recognition of state status for bison would affect persons exporting bison to Illinois as the animals would be required to have a negative test for brucellosis prior to entry. There would be no impact on Illinois producers or industry.

F) Agency contact person for information:

Name: Dr. Richard Hull
Address: Illinois Department of Agriculture
P.O. Box 19281
Springfield, IL 62794-9281
Telephone: 217/782-4944 FAX: 217/524-7702

G) Related rulemakings and other pertinent information: The addition of goats, sheep, antelope, and cervidae and the related regulations are contingent upon the enactment of proposed legislation (HB 1177).

e) Part(s) (Heading and Code Citation): Diseased Animals, 8 Ill. Adm. Code 85

1) Rulemaking:

A) Description: Proposed amendments will include: (1) developing lists for both contagious and infectious and reportable diseases; (2) updating Code of Federal Regulations citations; (3) repealing regulations in this Part that establish and maintain accredited tuberculosis-free goat herds as these regulations are being moved to 8 Ill. Adm. Code 80, Illinois Bovine Tuberculosis Eradication Act; (4) repealing requirements for tuberculosis testing of cervidae in this Part as these requirements will be moved to 8 Ill. Adm. Code 80, Bovine Tuberculosis Eradication Act; (5)

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guidelines for establishing and maintaining certified brucellosis-free cervid herds; (6) guidelines to certify cattle herds as Johne's disease monitored; and (7) language regarding falsification of official documents.

B) Statutory Authority: Illinois Diseased Animals Act [510 ILCS 50]; Section 6 of the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30/6]; Livestock Auction Market Law [225 ILCS 640]; and Equine Infectious Anemia Control Act [510 ILCS 65].

C) Scheduled meeting/hearing date: Proposed amendments to this Part must be approved by the Advisory Board of Livestock Commissioners. This advisory board will meet in mid-October, and a public hearing on the proposed rulemaking will run concurrently with the public meeting of the advisory board. Written comments may also be submitted during the 45-day public comment period following publication of the proposed rulemaking in the *Illinois Register*.

D) Date Agency anticipates First Notice: August 1997

E) Effect on small businesses, small municipalities or not for profit corporations: As the herd certification programs will be voluntary, there is no mandated effect on small business, municipalities, or not-for-profit corporations. The lists for contagious and infectious and reportable diseases will affect livestock producers that have animals harboring the diseases placed on the lists as movement of these animals will be restricted. The Department will work with the various livestock organizations when deciding which diseases will be placed on the lists.

F) Agency contact person for information:

Name: Dr. Richard Hull
Address: Illinois Department of Agriculture
P.O. Box 19281
Springfield, IL 62794-9281
Telephone: 217/782-4944 FAX: 217/524-7702

G) Related rulemakings and other pertinent information: The addition of the lists for contagious and infectious and reportable diseases is contingent on the enactment of proposed legislation (HB674).

f) Part(s) (Heading and Code Citation): Equine Infectious Anemia Control, 8 Ill. Adm. Code 116

1) Rulemaking:

A) Description: Amendments to this Part include adding provisions

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under which slaughter animals can enter Illinois; and a definition of immediate slaughter.

- B) Statutory Authority: Illinois Equine Infectious Anemia Control Act [510 ILCS 65].

C) Scheduled meeting/hearing date: Proposed amendments to this Part must be approved by the Advisory Board of Livestock Commissioners. This advisory board will meet in mid-October, and a public hearing on the proposed rulemaking will run concurrently with the public meeting of the advisory board. Written comments may also be submitted during the 45-day public comment period following publication of the proposed rulemaking in the *Illinois Register*.

- D) Date Agency anticipates First Notice: August 1997

E) Effect on small businesses, small municipalities or not for profit corporations: No adverse impact is anticipated.

- F) Agency contact person for information:

Name: Dr. Richard Hull
Address: Illinois Department of Agriculture
P.O. Box 19281
Springfield, IL 62794-9281
Telephone: 217/782-4944 FAX: 217/524-7702

- G) Related rulemakings and other pertinent information: None

- g) Part(s) (Heading and Code Citation): Livestock Dealer Licensing, 68 Ill. Adm. Code 610

1) Rulemaking:

A) Description: Amendments to this Part include: breeding swine sold in Illinois must be in compliance with the Illinois Pseudorabies Control Act, and a cite to that Act will be added for clarification.

- B) Statutory Authority: Illinois Livestock Dealer Licensing Act [225 ILCS 645].

C) Scheduled meeting/hearing date: Proposed amendments to this Part must be approved by the Advisory Board of Livestock Commissioners. This advisory board will meet in mid-October, and a public hearing on the proposed rulemaking will run concurrently with the public meeting of the advisory board. Written comments may also be submitted during the 45-day public comment period following publication of the proposed rulemaking in the *Illinois Register*.

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- D) Date Agency anticipates First Notice: August 1997

E) Effect on small businesses, small municipalities or not for profit corporations: No adverse impact is anticipated. Markets are already required to maintain records, and swine are already required to meet the testing provisions under the Illinois Pseudorabies Control Act.

- F) Agency contact person for information:

Name: Dr. Richard Hull
Address: Illinois Department of Agriculture
P.O. Box 19281
Springfield, IL 62794-9281
Telephone: 217/782-4944 FAX: 217/524-7702

- G) Related rulemakings and other pertinent information: None

- h) Part(s) (Heading and Code Citation): Feeder Swine Dealer Licensing, 68 Ill. Adm. Code 590

1) Rulemaking:

A) Description: Section 590.60 will be amended to clarify the Department's role in the inspection of records.

- B) Statutory Authority: Illinois Feeder Swine Dealer Licensing Act [225 ILCS 620].

C) Scheduled meeting/hearing date: Proposed amendments to this Part must be approved by the Advisory Board of Livestock Commissioners. This advisory board will meet in mid-October, and a public hearing on the proposed rulemaking will run concurrently with the public meeting of the advisory board. Written comments may also be submitted during the 45-day public comment period following publication of the proposed rulemaking in the *Illinois Register*.

- D) Date Agency anticipates First Notice: August 1997

E) Effect on small businesses, small municipalities or not for profit corporations: No adverse impact is anticipated. Markets are already required to maintain records.

- F) Agency contact person for information:

Name: Dr. Richard Hull
Address: Illinois Department of Agriculture
P.O. Box 19281
Springfield, IL 62794-9281
Telephone: 217/782-4944 FAX: 217/524-7702

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- G) Related rulemakings and other pertinent information: None

i) Part(s) (Heading and Code Citation): Livestock Auction Market, 8 Ill. Adm. Code 40

1) Rulemaking:

A) Description: Amendments to this Part include: (1) clarifying how animals can be released from a livestock auction market for interstate movement; (2) moving the location of the brand for suspect animals from the jaw to the hip, as now required by the U.S. Department of Agriculture; (3) adding a new section to clarify the Department's role in the inspection of records; and (4) Under the Illinois Pseudorabies Control Act, breeding swine are required to have a negative test for pseudorabies, and a cite for clarification to that testing will be added.

B) Statutory Authority: Livestock Auction Market Law [225 ILCS 640] and Section 40.23 of the Civil Administrative Code of Illinois [20 ILCS 205/40.23].

C) Scheduled meeting/hearing date: Proposed amendments to this Part must be approved by the Advisory Board of Livestock Commissioners. This advisory board will meet in mid-October, and a public hearing on the proposed rulemaking will run concurrently with the public meeting of the advisory board. Written comments may also be submitted during the 45-day public comment period following publication of the proposed rulemaking in the *Illinois Register*.

D) Date Agency anticipates First Notice: August 1997

E) Effect on small businesses, small municipalities or not for profit corporations: No adverse impact is anticipated. Markets are already required to maintain records, and swine are already required to meet pseudorabies testing requirements under the Illinois Pseudorabies Control Act.

F) Agency contact person for information:

Name: Dr. Richard Hull
Address: Illinois Department of Agriculture
P.O. Box 19281
Springfield, IL 62794-9281
Telephone: 217/782-4944 FAX: 217/524-7702

G) Related rulemakings and other pertinent information: None

j) Part(s) (Heading and Code Citation): Bovine Brucellosis, 8 Ill. Adm. Code 75

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1) Rulemaking:

A) Description: Amendments to this Part include: (1) Proposed legislation (HB 1177) includes a definition of bison, and the regulations will be amended to reflect this definition. (2) References to the Code of Federal Regulations will be updated. (3) Illinois does not recognize brucellosis state classification for bison. (4) The location of the required brand for suspect animals will be moved from the jaw to the hip as required by the U.S. Department of Agriculture.

B) Statutory Authority: Illinois Bovine Brucellosis Eradication Act [510 ILCS 30].

C) Scheduled meeting/hearing date: Proposed amendments to this Part must be approved by the Advisory Board of Livestock Commissioners. This advisory board will meet in mid-October, and a public hearing on the proposed rulemaking will run concurrently with the public meeting of the advisory board. Written comments may also be submitted during the 45-day public comment period following publication of the proposed rulemaking in the *Illinois Register*.

D) Date Agency anticipates First Notice: August 1997

E) Effect on small businesses, small municipalities or not for profit corporations: No adverse impact is anticipated.

F) Agency contact person for information:

Name: Dr. Richard Hull
Address: Illinois Department of Agriculture
P.O. Box 19281
Springfield, IL 62794-9281
Telephone: 217/782-4944 FAX: 217/524-7702

G) Related rulemakings and other pertinent information: Some of these amendments are contingent upon the enactment of proposed legislation (HB 1177).

k) Part(s) (Heading and Code Citation): Weights and Measures Act, 8 Ill. Adm. Code 600

1) Rulemaking:

A) Description: The Illinois Grain & Feed Association and the Illinois Farm Bureau may request delaying implementation of revised grain moisture meter standards by the National Institute of Standards and Technology's Handbook 44.

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- B) Statutory Authority: Weights and Measures Act [225 ILCS 470]
- C) Scheduled meeting/hearing date: No meetings are scheduled at this time. Written comments may be submitted during the 45-day public comment period following publication of the proposed rulemaking in the *Illinois Register*.
- D) Date Agency anticipates First Notice: Not known at this time.
- E) Effect on small businesses, small municipalities or not for profit corporations: This amendment will permit elevator operators to continue to purchase non-NTEP approved grain moisture measuring devices.
- F) Agency contact person for information:
 Name: Sid Colbrook
 Address: Illinois Department of Agriculture
 P.O. Box 19281
 Springfield, IL 62794-9281
 Telephone: 217/785-8300 FAX: 217/524-7801

G) Related rulemakings and other pertinent information: None

- 1) Part(s) (Heading and Code Citation): Motor Fuel Standards Act, 8 Ill. Adm. Code 850

1) Rulemaking:

- A) Description: Amendments to this Part include: (1) Recognize volatility and distillation standards apply only to base gasoline, not to the finished ethanol blend. (2) Modify rules to delete procedures for charging consumers when motor fuel samples are analyzed to be consistent with changes made to the Act.

B) Statutory Authority: Motor Fuel Standards Act [815 ILCS 370]

- C) Scheduled meeting/hearing date: No meetings are scheduled at this time. Written comments may be submitted during the 45-day public comment period following publication of the proposed rulemaking in the *Illinois Register*.

D) Date Agency anticipates First Notice: September 1997.

- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect gasoline stations and the petroleum marketing chain.

F) Agency contact person for information:

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Name: Sid Colbrook
 Address: Illinois Department of Agriculture
 P.O. Box 19281
 Springfield, IL 62794-9281
 Telephone: 217/785-8300 FAX: 217/524-7801

G) Related rulemakings and other pertinent information: None

- m) Part(s) (Heading and Code Citation): Illinois State Fair, and DuQuoin State Fair, Non-Fair Space Rental and the General Operation of the State Fairgrounds, 8 Ill. Adm. Code 270

1) Rulemaking:

- A) Description: New regulations will be developed regarding advertising in State Fair publications (Section 210/6 of the Act). Amendments to Facility Availability (Section 270.420) will need to be amended to facilitate additional rentals to maximize income throughout the non-fair season. A clarification is needed to further explain the Department's policy of allowing last year's lessees to have first right to the same dates in subsequent years in Section 270.380 concerning Application for Space.

- B) Statutory Authority: State Fair Act [20 ILCS 210] and Section 40.14 and Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16 and 40.14]

- C) Scheduled meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the *Illinois Register*.

D) Date Agency anticipates First Notice: October, 1997

- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect those wishing to rent space/buildings on the fairgrounds and those advertising in fair publications.

F) Agency contact person for information:

Name: Jim Reynolds
 Address: Illinois Department of Agriculture
 P.O. Box 19281
 Springfield, IL 62794-9281
 Telephone: 217/782-4231 FAX: 217/785-4059

G) Related rulemakings and other pertinent information: None

- n) Part(s) (Heading and Code Citation): Standardbred and Thoroughbred Horse

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Breeding and Racing Programs, 8 Ill. Adm. Code 290

1) Rulemaking:

- A) Description: The Department anticipates amending these rules to clean up and clarify existing rules and to propose amendments necessary to comply with the statutory changes to the Horse Racing Act of 1975. In Subpart A, amendments will be made regarding definitions concerning Illinois residency requirements for thoroughbred stallion ownership.

In Subpart B, amendments will be made to outline procedures and requirements which will allow for fresh semen transportation within the state. Procedures for reporting change in standing location or ownership of Illinois stallions will be proposed. In Section 290.85, the reference to mare status reports will be deleted. In Section 290.110, the definition of aged division to 4 years and older will be amended.

In Subpart C, Thoroughbred Division, Illinois residency requirement for stallion ownership will be deleted along with bill of sale requirement for new applications. Language will be added relative to reporting standing location and ownership changes of Illinois stallions. With regard to broodmare eligibility, requirements will be added for newly created breed-back program and exemption of December 1 arrival date for Illinois residents' purchases prior to February 1 of foaling year. Delete mare status report requirement for Illinois conceived and foaled eligibles and amend report due dates. With regard to foal registration requirements: add one-time allowance for racing papers which have not been certified by the Department. With regard to County Fair racing, amend number of entry requirements and add violation if electrical, mechanical device and prohibited medications.

- B) Statutory Authority: Section 30 and 31 of the Illinois Horse Racing Act of 1975 [230 ILCS 5/30 and 31]

- C) Scheduled meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the *Illinois Register*.

- D) Date Agency anticipates First Notice: October, 1997.

- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect horse breeding farms.

- F) Agency contact person for information:

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Name: Jim Reynolds
Address: Illinois Department of Agriculture
P. O. Box 19281
Springfield, IL 62794-9281
Telephone: 217/782-4231 FAX: 217/785-4059

- G) Related rulemakings and other pertinent information: None

- o) Part(s) (Heading and Code Citation): Land Application Authorization Program, (code citation to be assigned)

1) Rulemaking:

- A) Description: Rules will be proposed governing the application for Department issuance of written authorization to the owner or operator of an agrichemical facility for land application of agrichemical contaminated soils and groundwater at agronomic rates.

- B) Statutory Authority: Illinois Pesticide Act [415 ILCS 60]

- C) Scheduled meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the *Illinois Register*. A public hearing on the proposed rulemaking will be held the last week of the 45-day comment period to receive comments.

- D) Date Agency anticipates First Notice: October 1997

- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect agrichemical facilities; it will facilitate the economic remediation of retail agrichemical facilities.

- F) Agency contact person for information:

Name: Warren Goetsch
Address: Illinois Department of Agriculture
P. O. Box 19281
Springfield, IL 62794-9281
Telephone: 217/785-8218 FAX: 217/524-4882

- G) Related rulemakings and other pertinent information: Agrichemical Facility Response Action Program.

- p) Part(s) (Heading and Code Citation): Agrichemical Facility Response Action Program, (code citation to be assigned)

1) Rulemaking:

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- A) Description: This rulemaking will establish procedures governing the operation of the Agrichemical Facility Response Action Program including the coordination of Department and board functions as they relate to the application evaluation and oversight of agrichemical facility cleanups conducted under the program.
- B) Statutory Authority: Illinois Pesticide Act [415 ILCS 60]
- C) Scheduled meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the *Illinois Register*. A public hearing on the proposed rulemaking will be held the last week of the 45-day comment period to receive comments.

D) Date Agency anticipates First Notice: October 1997

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect agrichemical facilities; it will facilitate the economic remediation of retail agrichemical facilities.

F) Agency contact person for information:

Name: Warren Goetsch
Address: Illinois Department of Agriculture
P. O. Box 19281
Springfield, IL 62794-9281
Telephone: 217/785-8218 FAX: 217/524-4882

G) Related rulemakings and other pertinent information: Land Application Authorization Program.

q) Part(s) (Heading and Code Citation): Illinois Pesticide Act, 8 Ill. Adm. Code 250

1) Rulemaking:

A) Description: Rules will be proposed to create a new technical category for application of Metam Sodium in sewer lines.

B) Statutory Authority: Illinois Pesticide Act [415 ILCS 60]

C) Scheduled meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the *Illinois Register*. A public hearing on the proposed rulemaking will be held the last week of the 45-day comment period to receive comments.

D) Date Agency anticipates First Notice: October 1997

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E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking may affect small municipalities; a license will be required to apply Metam Sodium to sewers.

F) Agency contact person for information:

Name: Warren Goetsch
Address: Illinois Department of Agriculture
P. O. Box 19281
Springfield, IL 62794-9281
Telephone: 217/785-8218 FAX: 217/524-4882

G) Related rulemakings and other pertinent information: None

r) Part(s) (Heading and Code Citation): Farmland Preservation Act, 8 Ill. Adm. Code 700

1) Rulemaking:

A) Description: The Farmland Preservation Act requires that state agency policy statements and working agreements on farmland preservation shall be updated by the state agency and reviewed and approved by the Department of Agriculture every three years. The purpose of the rulemaking activity is to update the policy statements and working agreements, as necessary, to protect Illinois' agricultural land base from needless state agency farmland conversion impacts.

B) Statutory Authority: Farmland Preservation Act [505 ILCS 75]

C) Scheduled meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the *Illinois Register*.

D) Date Agency anticipates First Notice: July 1997

E) Effect on small businesses, small municipalities or not for profit corporations: No adverse impacts are anticipated.

F) Agency contact person for information:

Name: James R. Hartwig
Address: Illinois Department of Agriculture
Bureau of Land and Water Resources
P. O. Box 19281
Springfield, IL 62794-9281
Telephone: 217/782-6297 FAX: 217/524-4882

G) Related rulemakings and other pertinent information: None

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- s) Part(s) (Heading and Code Citation): Civil Administrative Code, 8 Ill. Adm. Code 3

1) Rulemaking:

A) Description: Rules will be updated and amended to eliminate references to grain, grain claimants and procedures involving hearings for grain claimants as this information is covered in the Grain Code.

B) Statutory Authority: Section 40.23 of the Civil Administrative Code of Illinois

C) Scheduled meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the *Illinois Register*.

D) Date Agency anticipates First Notice: July 1997

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking should have no adverse impact on small businesses.

F) Agency contact person for information:

Name: Judy Lozier
Address: Illinois Department of Agriculture
P. O. Box 19281
Springfield, IL 62794-9281
Telephone: 217/524-5125 FAX: 217/785-4505

G) Related rulemakings and other pertinent information: None

ILLINOIS COMMERCE COMMISSION

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- a) Part(s) (Heading and Code Citation): Procedures for Gas, Electric, Water and Sanitary Sewer Utilities Governing Eligibility for Service, Deposits, Payment Practices and Discontinuance of Service, 83 Ill. Adm. Code 280.

1) Rulemaking:

A) Description: This rulemaking will revise the Commission's rules concerning the relation between the listed fixed utilities and the customers of these utilities. As indicated in the heading of this Part, the subjects include eligibility for service and shut-offs of utility service. It should be noted that this rulemaking will not consider the relation between customers and telecommunications carriers.

B) Statutory Authority: Implementing the Small Business Utility Deposit Relief Act [220 ILCS 35] and Sections 8-101 and 8-207 of the Public Utilities Act [220 ILCS 5/8-101 and 8-207], and authorized by Section 8 of the Small Business Utility Deposit Relief Act [220 ILCS 35/8] and Sections 8-101, 8-207, and 10-101 of the Public Utilities Act [220 ILCS 5/8-101, 8-207, and 10-101].

C) Scheduled meeting/hearing date: Persons interested in participating in this proceeding should file a petition to intervene in Docket 95-0550.

D) Date agency anticipates First Notice: March 1, 1998.

E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking may have some effect on small businesses and not for profit corporations.

F) Agency contact person for information:

Donna M. Caton
Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, Illinois 62706
217-785-7434

G) Related rulemakings and other pertinent information: None.

- b) Part(s) (Heading and Code Citation): Standard Filing Requirements for Electric, Gas, Water and Sewer Utilities and Telecommunications Carriers in Filing for an Increase in Rates, 83 Ill. Adm. Code 285.

1) Rulemaking:

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- A) Description: This rulemaking proceeding is examining the required data that must be filed with the Commission when any of the subject entities files a general rate increase. This material is reviewed by Commission staff in preparation of the rate case.
- B) Statutory Authority: Implementing Section 9-201 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/9-201 and 10-101].
- C) Scheduled meeting/hearing date: Persons interested in participating in the proceeding should file a petition to intervene in docket 93-0351.
- D) Date agency anticipates First Notice: Undetermined.
- E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect any subject utilities or local exchange carriers that are also small businesses.
- F) Agency contact person for information:
Donna M. Caton
Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, Illinois 62706
217-782-7434

G) Related rulemakings and other pertinent information: None.

- c) Uniform System of Accounts for Electric Utilities, 83 Ill. Adm. Code 415

1) Rulemaking:

- A) Description: The Commission may initiate a rulemaking to update the incorporation by reference of the Federal Energy Regulatory Commission's Uniform System of Accounts for electric utilities.
- B) Statutory Authority: Implementing Sections 5-102 and 5-103 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/5-102, 5-103, and 10-101].
- C) Scheduled meeting/hearing date: Undetermined.
- D) Date agency anticipates first notice: Undetermined.
- E) Affect on small businesses, small municipalities or not for profit

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- corporations: This rulemaking will not affect any small businesses, small municipalities, or not for profit corporations.
- F) Agency contact person for information:
Mary Selvaggio
Public Utilities Division
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701
(217)785-5440

G) Related rulemakings and other pertinent information: None

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- a) Part(s) (Heading and Code Citation): Arbitration Policies, Functions, and Procedures, 56 Ill. Adm. Code 110.

1) Rulemaking:

- A) Description: The proposed rulemaking will update the regulations under the Labor Arbitration Services Act, 710 ILCS 15/1-14 (1996), and adjust the Department's administration of the Act accordingly, including but not limited to, increasing the administrative filing fee charged by the Illinois Arbitration Service and increasing the per diem fee charged by arbitrators, except Department employees.

- B) Statutory Authority: Labor Arbitration Services Act, 710 ILCS 10/3 (1996).

- C) Scheduled meeting/hearing date: Not yet determined.

- D) Date agency anticipates First Notice: Not yet determined.

- E) Affect on small businesses, small municipalities or not for profit corporations: The proposed rulemaking will increase the fees for services rendered by the Illinois Arbitration Service.

- F) Agency contact person for information:

Name: Scott D. Miller
Chief Legal Counsel
Address: Illinois Department of Labor
160 North LaSalle Street
Suite C-1300
Chicago, Illinois 60601
Telephone: (312) 793-1811

- G) Related rulemakings and other pertinent information: None

- b) Part(s) (Heading and Code Citation): Toxic Substances Disclosure to Employees, 56 Ill. Adm. Code 205.

1) Rulemaking:

- A) Description: The proposed rulemaking will amend 56 Ill. Adm. Code 205.260 to provide that hearings under Part 205 will be conducted in accordance with the Administrative Procedure Act and the Department's rules under 68 Ill. Adm. Code 680.230.

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- B) Statutory Authority: Toxic Substance Disclosure to Employees Act, 820 ILCS 255/17 (1996).

- C) Scheduled meeting/hearing date: Not yet determined.

- D) Date agency anticipates First Notice: Not yet determined.

- E) Affect on small businesses, small municipalities or not for profit corporations: The amendment to 56 Ill. Adm. Code 205.260 will harmonize the Department's administration of contested cases under the Toxic Substance Disclosure to Employees Act with the procedural rules that apply to a majority of contested cases conducted under the jurisdiction of the Director of Labor and the Department.

- F) Agency contact person for information:

Name: Scott D. Miller
Chief Legal Counsel
Address: Illinois Department of Labor
160 North LaSalle Street
Suite C-1300
Chicago, Illinois 60601
Telephone: (312) 793-1811

- G) Related rulemakings and other pertinent information: None

- c) Part(s) (Heading and Code Citation): Six Day Week Law, 56 Ill. Adm. Code 220.

1) Rulemaking:

- A) Description: This proposed rulemaking will update the regulations under the One Day Rest in Seven Act, 820 ILCS 140/1-9 (1996), and adjust the Department's administration and enforcement of the Act accordingly to cover the practices of modern day business, including but not limited to, providing standards for the granting and denying of permits authorizing the employment of persons for 7 days of work for more than 8 weeks in any one year.

- B) Statutory Authority: One Day Rest in Seven Act, 820 ILCS 140/6 (1996).

- C) Scheduled meeting/hearing date: Not yet determined.

- D) Date agency anticipates First Notice: Not yet determined.

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E) Affect on small businesses, small municipalities or not for profit corporations: The proposed rulemaking will affect small businesses and not for profit corporations by requiring them to substantiate the business necessity and economic conditions that call for such permits. The public sector is not within the remedial scope of the One Day Rest in Seven Act. Thus, small municipalities will not be affected by the proposed rulemaking.

F) Agency contact person for information:

Name: Scott D. Miller
Chief Legal Counsel
Address: Illinois Department of Labor
160 North LaSalle Street
Suite C-1300
Chicago, Illinois 60601
Telephone: (312) 793-1811

G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation): Industrial Home Work, 56 Ill. Adm. Code 230.

1) Rulemaking:

A) Description: The proposed rulemaking will provide the Department with standards necessary to administer and enforce the provisions of the Industrial Home Work Act, 240/0.01-10 (1996).

B) Statutory Authority: Industrial Home Work Act, 820 ILCS 240/3 (1996).

C) Scheduled meeting/hearing date: Not yet determined.

D) Date agency anticipates First Notice: Not yet determined.

E) Affect on small businesses, small municipalities or not for profit corporations: The proposed rulemaking will clarify a private employer's duty under the Act. The public sector is not within the remedial scope of the Industrial Home Work Act. Thus, small municipalities will not be affected by the proposed rulemaking.

F) Agency contact person for information:

Name: Scott D. Miller

DEPARTMENT OF LABOR

JULY 1997 REGULATORY AGENDA

Chief Legal Counsel
Address: Illinois Department of Labor
160 North LaSalle Street
Suite C-1300
Chicago, Illinois 60601
Telephone: (312) 793-1811

G) Related rulemakings and other pertinent information: None

e) Part(s) (Heading and Code Citation): Illinois Child Labor Law, 56 Ill. Adm. Code 250.

1) Rulemaking:

A) Description: The proposed rulemaking will implement anticipated 1997 amendments to the Child Labor Law, 820 ILCS 205/1-22 (1996).

B) Statutory Authority: Child Labor Law, 820 ILCS 205/16 (1996).

C) Scheduled meeting/hearing date: Not yet determined.

D) Date agency anticipates First Notice: Not yet determined.

E) Affect on small businesses, small municipalities or not for profit corporations: The proposed rulemaking will clarify an employer's duty under the Act.

F) Agency contact person for information:

Name: Scott D. Miller
Chief Legal Counsel
Address: Illinois Department of Labor
160 North LaSalle Street
Suite C-1300
Chicago, Illinois 60601
Telephone: (312) 793-1811

G) Related rulemakings and other pertinent information: None

f) Part(s) (Heading and Code Citation): Health and Safety, 56 Ill. Adm. Code 350.

1) Rulemaking:

A) Description: The proposed rulemaking will:

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i) update the Illinois Department of Labor's (IDOL) occupational safety and health standards. Section 4 of the Health and Safety Act mandates IDOL's adoption of all federal occupational safety and health standards promulgated, modified, or revoked by the U.S. Secretary of Labor, unless IDOL promulgates alternative rules providing at least as effective health and safety standards as the federal standards. See 820 ILCS 225/4 (1996). Adoption of these rules ensures that public sector workers are provided with the same level of protection that is afforded to private sector workers within the State; and,

ii) amend 56 Ill. Adm. Code 350.195 to provide that hearings under Part 350 will be conducted in accordance with the Administrative Procedure Act and the Department's rules under 68 Ill. Adm. Code 680.230.

B) Statutory Authority: Safety Inspection and Education Act, 820 ILCS 220/2 (k) (1996) and Health and Safety Act, 820 ILCS 225/7 (1996).

C) Scheduled meeting/hearing date: Not yet determined.

D) Date agency anticipates First Notice: Not yet determined.

E) Affect on small businesses, small municipalities or not for profit corporations: Due to the preemptive effect of the federal OSH Act, private sector businesses are not affected. All public sector work sites will be affected.

Costs associated with compliance are for the correction of work site health and safety hazards, which will have a direct positive impact within the public sector work force.

Savings will be realized due to fewer workplace injuries and occupational diseases, lower replacement employee costs, and increased employee productivity due to fewer lost work days and a healthier work force.

Variance procedures within the regulations allow public sector employers to petition for variance from standards when compliance cannot be achieved because of factors beyond their control.

The amendment to 56 Ill. Adm. Code 350.195 will harmonize the Director of Labor's administration of contested cases

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under the Safety Inspection and Education Act and Health and Safety Act with the procedural rules that apply to a majority of the contested cases conducted under the jurisdiction of the Director of Labor and the Department.

F) Agency contact person for information:

Name: Scott D. Miller
Chief Legal Counsel
Address: Ill. Department of Labor
160 North LaSalle Street
Suite C-1300
Chicago, Illinois 60601
Telephone: (312) 793-1811

G) Related rulemakings and other pertinent information: None

g) Part(s) (Heading and Code Citation): Right to Privacy in the Workplace Act, 56 Ill. Adm. Code 360.

1) Rulemaking:

A) Description: The proposed rulemaking will update the regulations under the Right to Privacy in the Workplace Act, 820 ILCS 55/1-20 (1996), and adjust the Department's administration and enforcement of the Act accordingly to increase the filing deadline for complaints and to reflect the changes in the workplace that have occurred after the Equal Employment Opportunity Commission issued regulations under the Americans with Disability Act.

B) Statutory Authority: Right to Privacy in the Workplace Act, 820 ILCS 55/15 (a) (1996).

C) Scheduled meeting/hearing date: Not yet determined.

D) Date agency anticipates First Notice: Not yet determined.

E) Affect on small businesses, small municipalities or not for profit corporations: The proposed rulemaking will provide a realistic filing deadline for an aggrieved person and will clarify an employer's duty under the Act.

F) Agency contact person for information:

Name: Scott D. Miller
Chief Legal Counsel
Address: Illinois Department of Labor

DEPARTMENT OF LABOR

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160 North LaSalle Street
Suite C-1300
Chicago, Illinois 60601
Telephone: (312)793-1811

- G) Related rulemakings and other pertinent information: None

- h) Part(s) (Heading and Code Citation): Rules and Regulations Relating to the Operation of Private Employment Agencies, 68 Ill. Adm. Code 680.100.

1) Rulemaking:

- A) Description: The proposed rulemaking will update section 680.230, the procedural rules that apply to a majority of contested cases conducted under the jurisdiction of the Director of Labor and the Department.

- B) Statutory Authority: Private Employment Agency Act, 225 ILCS 515/1 (1996).

- C) Scheduled meeting/hearing date: Not yet determined.

- D) Date agency anticipates First Notice: Not yet determined.

- E) Affect on small businesses, small municipalities or not for profit corporations: The proposed rulemaking will update section 680.230 to comport with recent amendments to the Administrative Procedure Act, 5 ILCS 100/10-5 - 10-70 (1996).

- F) Agency contact person for information:

Name: Scott D. Miller
Chief Legal Counsel
Address: Illinois Department of Labor
160 North LaSalle Street
Suite C-1300
Chicago, Illinois 60601
Telephone: (312) 793-1811

- G) Related rulemakings and other pertinent information: None

- i) Part(s) (Heading and Code Citation): Nurse Agency Licensing Act, 68 Ill. Adm. Code 690.

1) Rulemaking:

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- A) Description: The proposed rulemaking will update the regulations under the Nurse Agency Licensing Act, 225 ILCS 510/1-15 (1996), including but not limited to, clarifying, updating, and deleting provisions in the Department's regulations addressing the contents of an application to operate a nurse agency.

- B) Statutory Authority: Nurse Agency Licensing Act, 225 ILCS 510/15 (1994).

- C) Scheduled meeting/hearing date: Not yet determined.

- D) Date agency anticipates First Notice: Not yet determined.

- E) Affect on small businesses, small municipalities or not for profit corporations: The proposed rulemaking will clarify the duties and liabilities of all businesses and not for profit corporations that employ, assign or refer nurses or certified nurse aids to health care facilities for a fee. The public sector is not within the remedial scope of the Nurse Agency Licensing Act. Thus, small municipalities will not be affected by the proposed rulemaking.

- F) Agency contact person for information:

Name: Scott D. Miller
Chief Legal Counsel
Address: Illinois Department of Labor
160 North LaSalle Street
Suite C-1300
Chicago, Illinois 60601
Telephone: (312) 793-1811

- G) Related rulemakings and other pertinent information: None

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- a) Part (Heading and Code Citation): Fees for By-Product Material Licenses, 32 Ill. Adm. Code 334

Rulemaking: Proposed Amendment

- A) Description: The Department is proposing this amendment to implement statutory changes regarding the payment and reimbursement of fees for by-product material licenses issued by the Department.
- B) Statutory Authority: Implementing and authorized by the Uranium and Thorium Mill Tailings Control Act (see P.A. 90-39, effective June 30, 1997). [420 ILCS 42]
- C) Scheduled meeting/hearing dates: None scheduled. It is the Department's practice to mail a copy of the *Illinois Register* version of the rulemaking to all affected entities during the First Notice period.
- D) Date agency anticipates First Notice: July 1997

- E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Rose Miller
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, IL 62704
(217) 785-9860 (voice); (217) 782-6133 (TDD)

- G) Related rulemakings and other pertinent information: None

- b) Part (Heading and Code Citation): Licensing Requirements for Source Material Milling Facilities, 32 Ill. Adm. Code 332

Rulemaking: Proposed Amendment

- A) Description: The Department is proposing this amendment to implement statutory changes to impose restrictions on the use of property and groundwater on the property in connection with the decommissioning of source material milling facility or the termination of the facility's license.
- B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40] and the

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- Uranium and Thorium Mill Tailings Control Act (see P.A. 90-39, effective June 30, 1997) [420 ILCS 42].

- C) Scheduled meeting/hearing dates: None scheduled. It is the Department's practice to mail a copy of the *Illinois Register* version of the rulemaking to all affected entities during the First Notice period.

- D) Date agency anticipates First Notice: September 1997

- E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Rose Miller
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, IL 62704
(217) 785-9860 (voice); (217) 782-6133 (TDD)

- G) Related rulemakings and other pertinent information: None

- c) Part (Heading and Code Citation): Registration of Low-Level Radioactive Waste Generators, 32 Ill. Adm. Code 620

Rulemaking: Proposed Amendment

- A) Description: The Department is proposing this amendment to implement statutory changes, eliminate unnecessary language, update statutory citations, and clarify the Department's enforcement options.

- B) Statutory Authority: Implementing and authorized by Section 20/3 and 4 of the Illinois Low-Level Radioactive Waste Management Act (see P.A. 90-29, effective June 26, 1997) [420 ILCS 42].

- C) Scheduled meeting/hearing dates: None scheduled. It is the Department's practice to mail a copy of the *Illinois Register* version of the rulemaking to all affected entities during the First Notice period.

- D) Date agency anticipates First Notice: July 1997

- E) Affect on small businesses, small municipalities or not for profit corporations: None

DEPARTMENT OF NUCLEAR SAFETY

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F) Agency contact person for information:

Rose Miller
Department of Nuclear Safety
1035 Outer Park Drive, Springfield, IL 62704
(217) 785-9860 (voice); (217) 782-6133 (TDD)

G) Related rulemakings and other pertinent information: None

DEPARTMENT OF PROFESSIONAL REGULATION

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a) Part(s) (Heading and Code Citation): Illinois Architecture Practice Act of 1989 (68 Ill. Adm. Code 1150)1) Rulemaking:

A) Description: Changes will be made in the Diversified Training requirements, language will be added to further define Design Build and provisions will be added for registration of a limited liability partnership.

B) Statutory Authority: [225 ILCS 305]

C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Summer 1997

E) Effect on small businesses, small municipalities or not for profit corporations: Individuals seeking licensure as an architect and licensed architects.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.

b) Part(s) (Heading and Code Citation): Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985 (68 Ill. Adm. Code 1175)1) Rulemaking:

A) Description: A Section defining dishonorable, unethical or unprofessional conduct by licensees, sanitation requirements for licensed salons and shops, requirements for licensure for clinical teachers and numerous technical changes will be proposed.

B) Statutory Authority: [225 ILCS 410]

C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

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E) Effect on small businesses, small municipalities or not for profit corporations: Licensed barbers, cosmetologists, estheticians, nail technicians, shops and salons will be affected by these proposed amendments.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.

c) Part(s) (Heading and Code Citation): Professional Boxing and Wrestling Act (68 Ill. Adm. Code 1370)

1) Rulemaking:

A) Description: Rules will be rewritten to bring them up to date with the Act and rules will be developed to define Ultimate Fighting Exhibit.

B) Statutory Authority: [225 ILCS 105]

C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Boxers, wrestlers, their promoters, referees and persons connected with "ultimate fighting exhibits" could be affected by these proposed amendments

F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.

d) Part(s) (Heading and Code Citation): Collection Agency Act (68 Ill. Adm. Code 1210)

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1) Rulemaking:

A) Description: Numerous Sections of the Collection Agency Rules are anticipated to be amended to make the rules consistent with the Act and to further define and clarify various topic areas.

B) Statutory Authority: [225 ILCS 425]

C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed collection agencies.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None

e) Part(s) (Heading and Code Citation): Detection of Deception Examiner Act (68 Ill. Adm. Code 1230)

1) Rulemaking:

A) Description: Rules will be updated to repeal outdated material and amend Sections dealing with practical experience requirements and examinations.

B) Statutory Authority: [225 ILCS 430]

C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Summer 1997

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed detection of deception examiners and trainees preparing for licensure may be affected by this rulemaking.

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F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
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Springfield, IL 62786
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.f) Part(s) (Heading and Code Citation): Dietetic and Nutrition Services Practice Act (68 Ill. Adm. Code 1245)1) Rulemaking:

A) Description: New Sections pertaining to continuing education and a code of ethics will be added along with any cleanup necessary since the rules for regulating this profession were adopted in 1995.

B) Statutory Authority: [225 ILCS 30]

C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Summer 1997

E) Effect on small businesses, small municipalities or not for profit corporations: Dietitians, nutritionists and their education providers will be affected.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.g) Part(s) (Heading and Code Citation): Funeral Directors and Embalmers Licensing Code (68 Ill. Adm. Code 1250)1) Rulemaking:

A) Description: Continuing education rules will be proposed.

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B) Statutory Authority: [225 ILCS 41]

C) Scheduled meeting/hearing date: No meetings or hearings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed Funeral Directors and Embalmers and continuing educating providers will be affected.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.h) Part(s) (Heading and Code Citation): Illinois Landscape Architecture Act of 1989 (68 Ill. Adm. Code 1275)1) Rulemaking:

A) Description: The grandfather provisions will be deleted and any other clean up in the rules will be proposed.

B) Statutory Authority: [225 ILCS 315]

C) Scheduled meeting/hearing date: No meetings or hearings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed Landscape Architects will be affected.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
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G) Related rulemakings and other pertinent information: None.

i) Part(s) (Heading and Code Citation): Marriage and Family Therapy Licensing Act (68 Ill. Adm. Code 1283)

1) Rulemaking:

A) Description: The Marriage and Family Therapy Rules will be updated to conform with the sunset rewrite of the Act in 1997.

B) Statutory Authority: [225 ILCS 55]

C) Scheduled meeting/hearing date: No meetings or hearings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed Marriage and Family Therapists will be affected.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.

j) Part(s) (Heading and Code Citation): Illinois Nursing Act of 1987 (68 Ill. Adm. Code 1300)

1) Rulemaking:

A) Description: The Nursing Rules will be updated to conform with the sunset rewrite of the Act in 1997.

B) Statutory Authority: [225 ILCS 65]

C) Scheduled meeting/hearing date: No meetings or hearings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for

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profit corporations: Licensed practical nurses and registered nurses will be affected.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.

k) Part(s) (Heading and Code Citation): Nursing Home Administrators Licensing and Disciplinary Act (68 Ill. Adm. Code 1310)

1) Rulemaking:

A) Description: The Nursing Home Administrators Rules will be updated to conform with the sunset rewrite of the Act in 1997.

B) Statutory Authority: [225 ILCS 70]

C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed nursing home administrators and continuing education providers will be affected.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.

l) Part(s) (Heading and Code Citation): Physician Assistant Practice Act (68 Ill. Adm. Code 1350)

1) Rulemaking:

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- A) Description: The Physician Assistant Rules will be updated to conform with the sunset rewrite of the Act in 1997.
- B) Statutory Authority: [225 ILCS 95]
- C) Scheduled meeting/hearing date: No meetings or hearings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: Licensed physician assistants will be affected.
- F) Agency contact person for information:
Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/782-7645

- G) Related rulemakings and other pertinent information: None.

- m) Part(s) (Heading and Code Citation): Podiatric Medical Practice Act of 1987 (68 Ill. Adm. Code 1360)

1) Rulemaking:

- A) Description: The Podiatry Rules will be updated to conform with the sunset rewrite of the Act in 1997.

- B) Statutory Authority: [225 ILCS 100]

- C) Scheduled meeting/hearing date: No meetings or hearings have been scheduled.

- D) Date agency anticipates First Notice: Unknown

- E) Effect on small businesses, small municipalities or not for profit corporations: Licensed Podiatrists will be affected.

- F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
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Springfield, IL 62786

DEPARTMENT OF PROFESSIONAL REGULATION

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217/785-0813 Fax: 217/782-7645

- G) Related rulemakings and other pertinent information: None.

- n) Part(s) (Heading and Code Citation): Illinois Certified Shorthand Reporters Act (68 Ill. Adm. Code 1200)

1) Rulemaking:

- A) Description: Ethical standards will be developed for compliance by certified shorthand reporters.

- B) Statutory Authority: [225 ILCS 415]

- C) Scheduled meeting/hearing date: No meetings or hearings have been scheduled.

- D) Date agency anticipates First Notice: Unknown

- E) Effect on small businesses, small municipalities or not for profit corporations: Certified Shorthand Reporters will be affected.

- F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
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Springfield, IL 62786
217/785-0813 Fax: 217/782-7645

- G) Related rulemakings and other pertinent information: None.

- o) Part(s) (Heading and Code Citation): Clinical Social Work and Social Work Practice Act (68 Ill. Adm. Code 1470)

1) Rulemaking:

- A) Description: The Social Work Rules will be updated to conform with the sunset rewrite of the Act in 1997.

- B) Statutory Authority: [225 ILCS 20]

- C) Scheduled meeting/hearing date: No meetings or hearings have been scheduled.

- D) Date agency anticipates First Notice: Unknown

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E) Effect on small businesses, small municipalities or not for profit corporations: Licensed Social Workers and Clinical Social Workers will be affected.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
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Springfield, IL 62786
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.

p) Part(s) (Heading and Code Citation): Illinois Speech-Language Pathology and Audiology Practice Act (68 Ill. Adm. Code 1460)

1) Rulemaking:

A) Description: The Speech-Language Pathology and Audiology Rules will be updated to conform with the sunset rewrite of the Act in 1997.

B) Statutory Authority: [225 ILCS 110]

C) Scheduled meeting/hearing date: No meetings or hearings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed Speech-Language Pathologists and Licensed Audiologists will be affected.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.

q) Part(s) (Heading and Code Citation): Veterinary Medicine and Surgery Practice Act of 1994 (68 Ill. Adm. Code 1500)

1) Rulemaking:

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A) Description: If the Governor signs House Bill 1126, as expected, the Department will be required to promulgate rules to define supervision and modify its examination rules.

B) Statutory Authority: [225 ILCS 115]

C) Scheduled meeting/hearing date: No meetings or hearings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed veterinarians and those seeking licensure as veterinarians will be affected.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.

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- a) Part: Income Tax, 86 Ill. Adm. Code 100

1) Rulemaking

A) Description: New rules will be added to Part 100 concerning the foreign tax credit against the income tax (IITA Section 601(b)(3)), the tax credit for Tech Prep Youth Vocational Programs (IITA Section 209), the Dependent Care Assistance Credit (IITA Section 210), and the signature requirements for tax return purposes).

Part 100 will be amended by the addition of rules governing the deduction for dividends received from a corporation conducting substantially all of its operations in an enterprise zone (IITA Sections 203(a)(2)(J), 203(b)(2)(K), 203(b)(2)(M), and 203(d)(2)(K)).

Subpart P of Part 100 will be amended to update the Department's rules concerning the filing of combined returns under Section 502(e) of the Illinois Income Tax Act.

Some rules changes will be made to Part 100, as a result of recent legislation. As a result of the adoption of P.F. 88-669, rules with respect to acceptance of substitute W-2s will be proposed. The Department will also amend Part 100 as the result of Federal Public Law 104-95 (prohibiting taxation of nonresidential retirement income). Pursuant to federal P.L. 104-95, Part 100 will be revised to clarify that nonresident retirement income is exempt.

Finally, the Department will continue the updating of Part 100.

- B) Statutory Authority: 35 ILCS 5/101 and 35 ILCS 5/1401

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: As noted above, there will be a number of rulemakings proposed with respect to Part 100 over the next six months. We anticipate filing rulemakings amending Part 100 on a regular basis during the next six months of this year.

E) Affect on small business, small municipalities or not for profit corporations: These rulemakings will affect any business that incurs an income tax filing obligation.

DEPARTMENT OF REVENUE

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- F) Agency contact person for information:

Paul S. Caselton
Senior Chief Counsel - Income Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-7055

G) Related rulemakings and other pertinent information: None

- b) Part: Property Tax Code, 86 Ill. Adm. Code 110

1) Rulemaking

A) Description: Adopt rulemaking on the valuation, assessment and taxation of leasehold estates.

B) Statutory Authority: 35 ILCS 200/9-195, 15-55

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing this rulemaking after October 1, 1997.

E) Affect on small business, small municipalities or not for profit corporations: This rulemaking will affect any person or business entity leasing exempt property.

F) Agency contact person for information:

Jerry Lanter
Property Tax Counsel
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-6996

G) Related rulemakings and other pertinent information: None

- c) Part: Real Estate Transfer Tax, 86 Ill. Adm. Code 120

1) Rulemaking

A) Description: Repeal the Real Estate Transfer Tax regulations in Part 120 of the Illinois Administrative Code. Adopt new Real Estate Transfer regulations in Part 110 of

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the Illinois Administrative Code which list correct form numbers, clarify departmental policy, and answer common audit problems. This is necessary because the Real Estate Transfer Tax Act, as a separate Act, was repealed and incorporated as the Real Estate Transfer Tax Law in the Property Tax Code.

B) Statutory Authority: 35 ILCS 200/31-1 through 31-70

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing this rulemaking after October 1, 1997.

E) Affect on small business, small municipalities or not for profit corporations: This rulemaking will affect any person or business entity transferring title to real estate unless specifically exempted under Section 31-45 of the Property Tax Code.

F) Agency contact person for information:

Jerry Lanter
Property Tax Counsel
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
(217) 782-6996

G) Related rulemakings and other pertinent information: None

d) Part: Retailers' Occupation Tax, 86 Ill. Adm. Code 130

1) Rulemaking

A) Description: Amendments will be made to update the Retailers' Occupation Tax regulations to reflect new statutory developments and decisional law. The Department will also continue the updating of Part 130.

B) Statutory Authority: 35 ILCS 120

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: As noted above, there will be a number of rulemakings proposed with respect to

DEPARTMENT OF REVENUE

JULY, 1997 REGULATORY AGENDA

Part 130 over the next six months. We anticipate filing rulemakings amending Part 130 on a regular basis during the next six months of this year.

E) Affect on small business, small municipalities or not for profit corporations: Small businesses that sell tangible personal property at retail will be affected by these regulations.

F) Agency contact person for information:

George Sorensen
Associate Chief Counsel
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-7054

G) Related rulemakings and other pertinent information: None

e) Part: Service Occupation Tax, 86 Ill. Adm. Code 140

1) Rulemaking

A) Description: These rules are part of a general update of the Service Occupation Tax regulations to reflect new statutory developments and decisional law.

The Department will also continue the updating of Part 140.

B) Statutory Authority: 35 ILCS 115

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: As noted above, there will be a number of rulemakings proposed with respect to Part 140 over the next six months. We anticipate filing rulemakings amending Part 140 on a regular basis during the next six months of this year.

E) Affect on small business, small municipalities or not for profit corporations: Servicemen transferring tangible personal property incident to service will be affected by these rules.

F) Agency contact person for information:

DEPARTMENT OF REVENUE

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George Sorensen
Associate Chief Counsel
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-7054

- G) Related rulemakings and other pertinent information: None

- f) Part: Use Tax, 86 Ill. Adm. Code 150

1) Rulemaking

- A) Description: Amendments will be made to update the Use Tax regulations to reflect new statutory developments and decisional law.

- B) Statutory Authority: 35 ILCS 105

- C) Scheduled meetings/hearing dates: No schedule has been established at this time.

- D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 150 during the next six months of this year.

- E) Affect on small business, small municipalities or not for profit corporations: These amendments will affect persons subject to the Use Tax.

- F) Agency contact person for information:

George Sorensen
Associate Chief Counsel
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-7054

- G) Related rulemakings and other pertinent information: None

- g) Part: Service Use Tax, 86 Ill. Adm. Code 160

1) Rulemaking:

- A) Description: Amendments will be made to update the Service Use Tax regulations to reflect new statutory developments and decisional law.

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JULY, 1997 REGULATORY AGENDA

- B) Statutory Authority: 35 ILCS 110

- C) Scheduled meetings/hearing dates: No schedule has been established at this time.

- D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 160 during the next six months of this year.

- E) Affect on small business, small municipalities or not for profit corporations: These amendments will affect persons subject to the Service Use Tax.

- F) Agency contact person for information:

George Sorensen
Associate Chief Counsel
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-7054

- G) Related rulemakings and other pertinent information: None

- h) Part: Bingo License and Tax Act, 86 Ill. Adm. Code 430

1) Rulemaking

- A) Description: Amendments will be made to update the Bingo License and Tax Act regulations to reflect new statutory developments and decisional law.

- B) Statutory Authority: 35 ILCS 25

- C) Scheduled meetings/hearing dates: No schedule has been established at this time.

- D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 430 during the next six months of this year.

- E) Affect on small business, small municipalities or not for profit corporations: These amendments will affect persons subject to the Bingo License and Tax Act.

- F) Agency contact person for information:

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JULY, 1997 REGULATORY AGENDA

George Sorensen
Associate Chief Counsel
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-7054

G) Related rulemakings and other pertinent information: None

i) Part: Pull Tabs and Jar Games Act, 86 Ill. Adm. Code 432

1) Rulemaking

A) Description: Amendments will be made to update the Pull Tabs and Jar Games Act regulations to reflect new statutory developments and decisional law.

B) Statutory Authority: 230 ILCS 20

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 432 during the next six months of this year.

E) Affect on small business, small municipalities or not for profit corporations: These amendments will affect persons subject to the Pull Tabs and Jar Games Act.

F) Agency contact person for information:

George Sorensen
Associate Chief Counsel
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-7054

G) Related rulemakings and other pertinent information: None

j) Part: Coin-Operated Amusement Device Tax, 86 Ill. Adm. Code 460

1) Rulemaking

A) Description: Amendments will be made to update the Coin-Operated Amusement Device and Redemption Machine Tax Act regulations to reflect new statutory developments and

DEPARTMENT OF REVENUE

JULY, 1997 REGULATORY AGENDA

decisional law.

B) Statutory Authority: 35 ILCS 510

C) Scheduled meetings/hearings dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 460 during the next six months of this year.

E) Affect on small business, small municipalities or not for profit corporations: These amendments will affect persons subject to the Coin-Operated Amusement Device and Redemption Machine Tax Act.

F) Agency contact person for information:

George Sorensen
Associate Chief Counsel
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-7054

G) Related rulemakings and other pertinent information: None

k) Part: Gas Revenue Tax, 86 Ill. Adm. Code 470

1) Rulemaking

A) Description: Amendments will be made to update the Gas Revenue Tax regulations to reflect new statutory developments and decisional law.

B) Statutory Authority: 35 ILCS 615

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 470 during the next six months of this year.

E) Affect on small business, small municipalities or not for profit corporations: These amendments will affect persons subject to the Gas Revenue Tax.

DEPARTMENT OF REVENUE

JULY, 1997 REGULATORY AGENDA

F) Agency contact person for information:

George Sorensen
Associate Chief Counsel
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-7054

G) Related rulemakings and other pertinent information: None1) Part: Hotel Operators' Occupation Tax, 86 Ill. Adm. Code 4801) Rulemaking:

A) Description: These rules require amendment to include the provisions of P.A. 87-951, which amended the definition of "permanent resident". Also, the Department will continue the updating of Part 480.

B) Statutory Authority: 35 ILCS 145

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 480 during the next six months of this year.

E) Affect on small business, small municipalities or not for profit corporations: These amendments will affect persons subject to the Hotel Operators' Occupation Tax.

F) Agency contact person for information:

George Sorensen
Associate Chief Counsel
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-7054

G) Related rulemakings and other pertinent information: Nonem) Part: Telecommunications Excise Tax, 86 Ill. Adm. Code 4951) Rulemaking

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JULY, 1997 REGULATORY AGENDA

A) Description: The rules will be amended to clarify both current statutory provisions and Department policy. Many new technologies have evolved since the Act was established, and the manner in which these technologies are taxed can be clarified in the rules.

B) Statutory Authority: 35 ILCS 630

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 495 during the next six months of this year.

E) Affect on small business, small municipalities or not for profit corporations: Retailers of telecommunications will be affected by these regulations.

F) Agency contact person for information:

George Sorensen
Associate Chief Counsel
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-7054

G) Related rulemakings and other pertinent information: None

n) Part: Motor Fuel Tax, 86 Ill. Adm. Code 500

1) Rulemaking:

A) Description: Amendments will be made to update the Motor Fuel Tax regulations to reflect new statutory developments and decisional law.

B) Statutory Authority: 35 ILCS 505

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: As noted above there will be a number of rulemakings proposed with respect to part 500 over the next six months. We anticipate filing rulemakings amending part 500 on a regular basis during the second six months of this year.

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JULY, 1997 REGULATORY AGENDA

E) Affect on small business, small municipalities or not for profit corporations: Distributors, suppliers and receivers of motor fuel, as well as persons paying Motor Fuel Use Tax under the International Fuel Tax Agreement.

F) Agency contact person for information:

George Sorensen
Associate Chief Counsel
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-6996

G) Related rulemakings and other pertinent information: None

OFFICE OF THE ILLINOIS STATE TREASURER

JULY 1997 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Illinois Public Treasurers' Investment Pool for Public Treasurers in the State of Illinois (74 Ill Adm Code 740).

1) Rulemaking: Amendatory Rulemaking

A) Description: The Treasurer proposes to update the regulations to reflect a change in the name of the public treasurers' investment pool from the "Illinois Public Treasurers' Investment Pool" or "IPTIP" to "The Illinois Funds". The Treasurer also proposes to define the existing money market fund within The Illinois Funds and an intermediate term fund within The Illinois Funds that is currently being developed. The Treasurer proposes to update the participant requirements to permit participants in the existing money market fund to earn interest on the date that the deposit is made as long as the deposit is made by 3:00 p.m. and the Custodian is notified by 11:00 a.m. that the deposit will be made. The Treasurer also proposes to amend the participant requirements as they relate to an intermediate term fund.

B) Statutory Authority: Section 17 of the State Treasurer Act [15 ILCS 505/7]

C) Scheduled meeting/hearing dates: None scheduled.

D) Date agency anticipates First Notice: Prior to December 30, 1997

E) Affect on small businesses, small municipalities or not for profit corporations: The creation of an intermediate term fund within IPTIP will provide municipalities with an additional investment option.

F) Agency contact person for information:

Name: Martin O. Noven
Address: Law Division
Office of the Illinois State Treasurer
160 North LaSalle Street, Suite S-905
Chicago, Illinois 60601
Telephone: (312) 814-8950

G) Related rulemakings and other pertinent information: None

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of July 1, 1997 through July 7, 1997 and have been scheduled for review by the Committee at its August 12, 1997 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
8/14/97	Department of Central Management Services, Internal Service Funds (74 Ill Adm Code 1000)	5/9/97 21 Ill Reg 5687	8/12/97
8/14/97	Health Facilities Planning Board, Health Facilities Planning Financial and Economic Feasibility Review (77 Ill Adm Code 1120)	3/21/97 21 Ill Reg 3544	8/12/97
8/14/97	Health Facilities Planning Board, Practice and Procedure in Administrative Hearings (77 Ill Adm Code 1180)	3/21/97 21 Ill Reg 3565	8/12/97
8/15/97	Secretary of State, Cancellation, Revocation or Suspension of Licenses or Permits (92 Ill Adm Code 1040)	5/2/97 21 Ill Reg 5457	8/12/97
8/15/97	Secretary of State, Cancellation, Revocation or Suspension of Licenses or Permits (92 Ill Adm Code 1040)	4/25/97 21 Ill Reg 5091	8/12/97
8/15/97	Department of Children and Family Services, Placement and Visitation Services (89 Ill Adm Code 301)	4/25/97 21 Ill Reg 5006	8/12/97
8/16/97	Illinois Racing Board, Programs (11 Ill Adm Code 415)	5/2/97 21 Ill Reg 5454	8/12/97

97-1
EXECUTIVE ORDER CREATING THE GOVERNOR'S COMMISSION
ON THE STATUS OF WOMEN IN ILLINOIS

Whereas, while women have made extraordinary strides in Illinois and throughout the United States toward economic and social equity over the years, barriers to equity continue to exist; and

Whereas, it is necessary and desirable to examine the economic, societal and legal barriers that do continue to exist, and to study the best means by which to eliminate them; and

Whereas, it is desirable to establish a commission to investigate and recommend measures to remove barriers to equity for the women of Illinois; Therefore, I, Jim Edgar, order the following:

I. CREATION

There shall be established the Governor's Commission on the Status of Women in Illinois.

II. PURPOSE

The purpose of the Commission shall include, but not be limited to the following:

- to study the issues surrounding women's equity in Illinois, including existing laws and constitutional parameters; pay equity; mentoring and apprenticeship; affordable, high quality day care and elder care; child support; and, retirement and other economic security issues.
- to examine and promote utilization of public-private partnerships to raise awareness and develop collaborative solutions;
- To make recommendation to the Governor and the General Assembly for statutory and programmatic changes necessary to eliminate barriers to equity for women.

III. MEMBERSHIP

- The Commission shall consist of a Chairperson and at least 15 but not more than 20 additional members, all appointed by the Governor.
- Members may include, but are not limited to persons who are active in and knowledgeable about the following areas: health and human services, education, business and industry, science and technology, arts and culture, the promotion of social and economic justice, law and government, and volunteerism. At least half of the members shall be women.
- Members shall serve without compensation, but may be reimbursed for expenses.

D. The Commission will be provided assistance and necessary staff support services by the Office of the Governor and the agencies of state government involved in the issues to be addressed by it.

E. The Commission shall submit an interim report to the Governor and the General Assembly by February 1, 1998 and a final report by December 1, 1998.

IV. EFFECTIVE DATE

This Executive Order Number 1 (1997) shall be effective upon filing with the Secretary of State.

Issued by the Governor June 23, 1997.

Filed by the Secretary of State June 23, 1997.

ACTION CODES	
A - Adopted Rule	P - Proposed Rule
AR - Adopted Repealer	PR - Prohibited Filing Order by JCAR*
C - Notice of Corrections	PP - Peremptory or Court Ordered Rules
CC - Codification Changes	PR - Proposed Repealer
E - Emergency Rule	R - Refusal to meet JCAR* Objection
ER - Emergency Repealer	RC - Statement of Recommendation
M - Modification to meet JCAR*	S - Suspension ordered by JCAR*
Objections	W - Withdrawal to meet JCAR*
O - JCAR* Statement Of Objections	Objections
RQ - Request for Correction	MR - Modification and Refusal
EC - Expedited Corrections	
	*Joint Committee on Administrative Rules

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-7017.

ABANDONED MINED LANDS RECLAMATION COUNCIL

4 Ill. Adm. Code 1000 Americans With Disabilities Act (Effective 11/1/96) (P-3118/A-8887)

AGING, DEPARTMENT OF

89 Ill. Adm. Code 290 Board And Care Facilities Registration (P-6634)
 89 Ill. Adm. Code 280 Community Based Residential Facilities
 Demonstration Project (P-1110/A-6831)
 89 Ill. Adm. Code 240 Community Care Program (P-6613/96/A-887)
 (P-3011) (R-4337) (P-1363/96/A-6183)
 89 Ill. Adm. Code 270 Elder Rights (P-14662/96/A-8887)
 89 Ill. Adm. Code 260 Long-Term Care Insurance Partnership
 Demonstration Program (P-3012)
 89 Ill. Adm. Code 230 Older Americans Act Programs (P-14668/96/A-8891)

AGRICULTURE, DEPARTMENT OF

8 Ill. Adm. Code 65 Egg And Egg Products Act (RC-494)
 (P-2538/96/A-300) (R-3777)
 8 Ill. Adm. Code 260 Farms Operating Under The Agricultural Fall Act
 (P-4298/96/A-2139)
 8 Ill. Adm. Code 281 Grain Code (P-1114) (A-9576)
 8 Ill. Adm. Code 115 Illinois Pseudorabies Control Act
 (P-3777/96/A-901)

[illegible]

Approval Of Statements For Generally Available
 Terms (R-1402) (W-5657) (W-5552)
 Approval Or Rejection Of Arbitration Agreements
 (R-1404) (W-5658) (P-8407/96;A-7129)
 Arbitration Practice (R-1405) (W-5659) (W-5660)
 (P-8416/96;A-6468)

23 111. Adm. Code 764
 83 111. Adm. Code 762
 83 111. Adm. Code 761

Confidential Contracts (P-3747) (E-4008)
 Fees And Taxes (P-13481/96;A-3811)
 Guidelines For Right-Of-Way Acquisitions
 (General Order 226) (P-8109/96;A-1659)
 Minimum Safety Standards For Transportation Of
 Gas And For Gas Pipeline Facilities
 (P-7745;A-8906)
 Out-Of-State Services (P-8738)
 Resolution Of Household Goods Disputes
 (P-10755/96;A-3113)

83 111. Adm. Code 335
 92 111. Adm. Code 1205
 83 111. Adm. Code 300
 83 111. Adm. Code 590

EDUCATIONAL FACILITIES AUTHORITY, ILLINOIS
 Functions And Planning Program (P-3365;A-8926)

23 111. Adm. Code 2310

EDUCATION, STATE BOARD OF
 Miscellaneous (A-2634)
 Registration Of Voters (P-14113/96;A-4610)
 The Campaign Financing Act (P-3017)

23 111. Adm. Code 525
 23 111. Adm. Code 226

EDUCATIONAL FACILITIES AUTHORITY, ILLINOIS
 Functions And Planning Program (P-3365;A-8926)

23 111. Adm. Code 2310

EDUCATION, STATE BOARD OF
 Miscellaneous (A-2634)
 Registration Of Voters (P-14113/96;A-4610)
 The Campaign Financing Act (P-3017)

23 111. Adm. Code 525
 23 111. Adm. Code 226

EDUCATIONAL FACILITIES AUTHORITY, ILLINOIS
 Functions And Planning Program (P-3365;A-8926)

23 111. Adm. Code 2310

EDUCATION, STATE BOARD OF
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 The Campaign Financing Act (P-3017)

23 111. Adm. Code 525
 23 111. Adm. Code 226

EDUCATIONAL FACILITIES AUTHORITY, ILLINOIS
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23 111. Adm. Code 2310

EDUCATION, STATE BOARD OF
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 The Campaign Financing Act (P-3017)

23 111. Adm. Code 525
 23 111. Adm. Code 226

EDUCATIONAL FACILITIES AUTHORITY, ILLINOIS
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23 111. Adm. Code 2310

EDUCATION, STATE BOARD OF
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23 111. Adm. Code 525
 23 111. Adm. Code 226

EDUCATIONAL FACILITIES AUTHORITY, ILLINOIS
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23 111. Adm. Code 2310

EDUCATION, STATE BOARD OF
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 The Campaign Financing Act (P-3017)

23 111. Adm. Code 525
 23 111. Adm. Code 226

EDUCATIONAL FACILITIES AUTHORITY, ILLINOIS
 Functions And Planning Program (P-3365;A-8926)

23 111. Adm. Code 2310

EDUCATION, STATE BOARD OF
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 The Campaign Financing Act (P-3017)

23 111. Adm. Code 525
 23 111. Adm. Code 226

EDUCATIONAL FACILITIES AUTHORITY, ILLINOIS
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23 111. Adm. Code 2310

EDUCATION, STATE BOARD OF
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 The Campaign Financing Act (P-3017)

23 111. Adm. Code 525
 23 111. Adm. Code 226

EDUCATIONAL FACILITIES AUTHORITY, ILLINOIS
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23 111. Adm. Code 2310

EDUCATION, STATE BOARD OF
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23 111. Adm. Code 525
 23 111. Adm. Code 226

EDUCATIONAL FACILITIES AUTHORITY, ILLINOIS
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23 111. Adm. Code 2310

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23 111. Adm. Code 525
 23 111. Adm. Code 226

EDUCATIONAL FACILITIES AUTHORITY, ILLINOIS
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23 111. Adm. Code 2310

EDUCATION, STATE BOARD OF
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23 111. Adm. Code 525
 23 111. Adm. Code 226

EDUCATIONAL FACILITIES AUTHORITY, ILLINOIS
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23 111. Adm. Code 2310

EDUCATION, STATE BOARD OF
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23 111. Adm. Code 525
 23 111. Adm. Code 226

EDUCATIONAL FACILITIES AUTHORITY, ILLINOIS
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23 111. Adm. Code 2310

EDUCATION, STATE BOARD OF
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23 111. Adm. Code 525
 23 111. Adm. Code 226

EDUCATIONAL FACILITIES AUTHORITY, ILLINOIS
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23 111. Adm. Code 2310

EDUCATION, STATE BOARD OF
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 The Campaign Financing Act (P-3017)

23 111. Adm. Code 525
 23 111. Adm. Code 226

EDUCATIONAL FACILITIES AUTHORITY, ILLINOIS
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23 111. Adm. Code 2310

EDUCATION, STATE BOARD OF
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 The Campaign Financing Act (P-3017)

23 111. Adm. Code 525
 23 111. Adm. Code 226

EDUCATIONAL FACILITIES AUTHORITY, ILLINOIS
 Functions And Planning Program (P-3365;A-8926)

23 111. Adm. Code 2310

EDUCATION, STATE BOARD OF
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 Registration Of Voters (P-14113/96;A-4610)
 The Campaign Financing Act (P-3017)

23 111. Adm. Code 525
 23 111. Adm. Code 226

EDUCATIONAL FACILITIES AUTHORITY, ILLINOIS
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23 111. Adm. Code 2310

EDUCATION, STATE BOARD OF
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23 111. Adm. Code 525
 23 111. Adm. Code 226

EDUCATIONAL FACILITIES AUTHORITY, ILLINOIS
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23 111. Adm. Code 2310

EDUCATION, STATE BOARD OF
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 Registration Of Voters (P-14113/96;A-4610)
 The Campaign Financing Act (P-3017)

23 111. Adm. Code 525
 23 111. Adm. Code 226

EDUCATIONAL FACILITIES AUTHORITY, ILLINOIS
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23 111. Adm. Code 2310

EDUCATION, STATE BOARD OF
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 The Campaign Financing Act (P-3017)

23 111. Adm. Code 525
 23 111. Adm. Code 226

23 Ill. Adm. Code 1400
Certificate Of Certified Public Accountant
(P-7808)

FARM DEVELOPMENT AUTHORITY, ILLINOIS
8 Ill. Adm. Code 1400
Illinois Farm Development Authority (P-7060)

FINANCIAL INSTITUTIONS, DEPARTMENT OF
38 Ill. Adm. Code 190
Illinois Credit Union Act (P-1177)

FIRE MARSHAL, OFFICE OF THE STATE
41 Ill. Adm. Code 120
Boiler And Pressure Vessel Safety
(P-7800/96;A-997)
41 Ill. Adm. Code 100
Fire Prevention Safety Code (P-1133;A-8932)
41 Ill. Adm. Code 140
Policy And Procedures Manual For Fire Protection
Personnel (P-9780/96;A-8211)
41 Ill. Adm. Code 180
Storage, Transportation, Sale And Use Of Gasoline
And Volatile Gas (P-2791)
41 Ill. Adm. Code 170
Storage, Transportation, Sale And Use Of
Petroleum And Other Regulated Substances
(P-2800;A-8945)

GAMING BOARD, ILLINOIS
86 Ill. Adm. Code 3000
Repealed Gambling (P-1039/96;A-4642) (EC-5663)

HEALTH CARE COST CONTAINMENT COUNCIL, ILLINOIS
77 Ill. Adm. Code 2510
Data Collection (P-3023;A-8964) (E-3277)
77 Ill. Adm. Code 2530
Hospital Price Information (P-3025;A-9008)
(E-3318)

HEALTH FACILITIES PLANNING BOARD
77 Ill. Adm. Code 1100
Narrative And Planning Policies
(P-9470/96;A-6220)
77 Ill. Adm. Code 1190
Permit Application Fees (P-8948/96;A-399)

HISTORIC PRESERVATION AGENCY
17 Ill. Adm. Code 4190
Rules For The Protection, Treatment And
Inventory Of Archaeological And Paleontological
Resources Of Public Lands (P-6642)

HISTORIC PRESERVATION AGENCY, ILLINOIS
17 Ill. Adm. Code 4190
Rules For The Protection, Treatment And
Inventory Of Archaeological And Paleontological
Resources On Public Lands (W-1732) (P-6642)

HOUSING DEVELOPMENT AUTHORITY, ILLINOIS
47 Ill. Adm. Code 350
Low Income Housing Tax Credit Allocation
(P-3790;A-9012) (E-4023)
47 Ill. Adm. Code 371
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97-290 National Night Out Day	6285
97-291 Richard "Dick" P. Miller Day	6285
97-292 Rush North Shore Medical Center Week	6285
97-293 Scouting Excellence Day	6285
97-294 African Americans in World War II: A legacy of Patriotism and Valor Day	6285
97-295 Aunt Gert Day	6285
97-296 Rideshare Week	6285
97-297 Vocational Student Organizations Week	6285
97-298 Access Living Day	6285
97-299 Edward L. Stewart Family Extended Deepest Sympathy	6285
97-300 Poppy Day	6285
97-301 German American National Congress Aurora-Fox Valley Chapter 30th Anniversary Day	6285
97-302 Gunner Sergeant Dale Wayne Peters Commended	6285
97-303 Holy Family Villa Day	6285
97-304 Starlight Express Day	6285
97-305 Bill Brown Day	6285
97-306 Elvin Alaska Congratulated	6285
97-307 Mahomet-Seymour Wrestling Team Congratulated	6285

97-217 Annie Keller Day	5885
97-218 Breastfeeding Promotion Month	5885
97-219 Vietnamese National Day	5886
97-220 Johnnie David "J.D." Washington Day	5886
97-221 Salvation Army Week	5888
97-222 Victor Giovannini Day	5889
97-223 Armenian Martyrs Day	5889
97-224 Community Action Week	5890
97-225 Lyme Disease Awareness Day	5890
97-226 Peace in the Streets Week	5891
97-226 Peace in the Streets Week (Revised)	6123
97-227 Correctional Officer Week	5892
97-228 Sheerit Hapleith Holocaust Memorial Day	5892
97-229 Chicago Vocational High School Day	5893
97-230 Dollar Day	5893
97-231 Manufactured Housing Month	5894
97-232 Norwegian Constitution Celebration Days	5894
97-233 Nurses Week	5895
97-234 Polish Constitution Day	5895
97-235 Raymond F. McCaskey Day	5896
97-236 Safe Kids America Days/Safe Kids Gear Up	5896
97-237 WICS Day	5897
97-238 Children's Emotional and Behavioral Disorders Awareness Week	6123
97-239 Emergency Medical Services for Children Day	6124
97-240 Bill Oliver Day	6124
97-241 Groundwater Protection Month	6125
97-242 Music Week	6126
97-243 National Association of Human Rights Workers Day	6126
97-244 Pan-Lacanian Federation of United States and Canada, Inc. Week	6127
97-245 Phi Alpha Zeta of Lambda Chi Alpha Day	6127
97-246 Bill Hagan, Jr. Day	6128
97-247 Custom Charity House Day	6128
97-248 Family Peace Day	6129
97-249 Foster Parent Appreciation Month	6129
97-250 Illinois Vietnam Veterans Memorial Tenth Anniversary Year	6130
97-251 Jack Thresman Day	6130
97-252 National Association of Letter Carriers Food Drive Day	6131
97-253 Optimist Day of Non-Violence	6131
97-254 Respect for Law Week	6131
97-255 57th Street Art Fair Days	6132
97-256 Christian Tabernacle Church Day	6132
97-257 Defense Transportation Day	6133
97-258 11 World Polonia Sailing Jamboree Days	6279
97-259 Linda Cibula Day	6279
97-260 Osteoporosis Awareness Day	6279

97-308 Wallace and Alice Stanton Congratulated	7611
97-309 American GI Forum Days	7611
97-310 Joliet Area/South Suburban Chapter-Delta Sigma Theta Sorority, Inc. 40th	7612
97-311 Lake Forest Place Day	7612
97-312 Louis M. Lutostanski, Sr. Day	7613
97-313 Memorial Day	7613
97-314 Saint Anthony Hospital Day	7614
97-315 Clergy Appreciation Day	7614
97-316 ECC Music Workshop Week	7614
97-317 Highway Transportation Safety Week	7615
97-318 Ms. Dinner of Champions Day	7615
97-319 Richard S. Pepper Day	7615
97-320 Architecture Week	7616
97-321 Clarence Ellice, Sr. Day	7616
97-322 Dr. Richard L. Edwards Day	7617
97-323 Richard R. Heiberger Studios Day	7617
97-324 Vadas V. Adamkus Day	7618
97-325 Chief William T. Fitzpatrick Congratulated	7618
97-326 Hellenic Heritage Day	7619
97-327 Men's Health Week	7619
97-328 Silent Witness Day	7620
97-329 American Medical Association Days	7621
97-330 Memorial Medical Center Week	7621
97-331 Edison Middle School Band Day	8690
97-332 Illinois-Niigata Student Exchange Program Weeks	8690
97-333 Ethnic Media Week	8691
97-334 TLC Days	8691
97-335 Professor John Goldsmith Day	8691
97-336 Chicago Tribune Day	8692
97-337 Illinois Society of Architects Day	8692
97-338 Puerto Rican Week	8693
97-339 Wayne Saxton Day	8693
97-340 Bishop Alfred L. Abramowicz Day	8694
97-341 Howard A. Peters III Day	8694
97-342 Illinois Crop Improvement Association Day	8695
97-343 Dairy Month	8695
97-344 George E. Madden Day	8696
97-345 Hoffman Estates High School Band Days	8696
97-346 International Festival of Life Days	8696
97-347 Ostrich Awareness Week	8697
97-348 Victor Barczyk Day	8697
97-349 Flag Day	8698
97-350 Polish Museum of America Day	8698
97-351 South Side Help Center Day	8699
97-352 Steven D. Hilberg Day	8699
97-353 Thomas Neri Day	8700
97-354 Illinois Volunteerism Day	8700
97-355 American Bridge Association Days	9385
97-356 No Crime Day	9385

97-357 Art Reptogle Day	9385
97-358 Correctional Education Day	9386
97-359 Festa Italiana Days	9386
97-360 Svithiod Day	9387
97-361 Air Weather Service Heritage Day	9387
97-362 Father George Clements Day	9387
97-363 Licensed Certified Athletic Trainers Week	9388
97-364 Pom Pon Appreciation Day	9388
97-365 Spinal Health Care Month	9389
97-366 Township Government Day	9389
97-367 Gerald "Windy" Nairn Day	9389
97-368 Illinois Wheat Growers Association Day	9390
97-369 Dick and Lucille Baughman Day	9390
97-370 Hill Family Congratulated	9391
97-371 Meeting Professionals International- Chicago Area Chapter Congratulated	9391
97-372 Meeting Professionals Week/Meeting Professionals Day	9392

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1520.30	r	(P-752;A-8909)	625.10	am	(P-4913)
1520.45	r	(P-752;A-8909)	625.20	am	(P-4913)
1520.47	am	(P-752;A-8909)	625.30	am	(P-4913)
1520.48	n	(E-651)	625.40	am	(P-4913)
			625.50	am	(P-4913)
1520.50	am	(P-752;A-8909)	1400.10	am	(P-7808)
		(E-651)	1400.20	am	(P-7808)
			1400.30	am	(P-7808)
			1400.40	am	(P-7808)
			1400.50	am	(P-7808)
			1400.55	am	(P-7808)
25.95	am	(P-4898)	1400.60	am	(P-7808)
25.437	n	(P-4898)	1400.70	am	(P-7808)
25.710	am	(P-4898)	1400.80	am	(P-7808)
25.730	am	(P-4898)	1400.90	am	(P-7808)
25.732	am	(P-4898)	1400.105	n	(P-7808)
25.733	n	(P-4898)	1400.110	am	(P-7808)
25.780	am	(P-4898)	1400.115	n	(P-7808)
120.115	n	(P-13485/96;A-2165)	1400.116	n	(P-7808)
226.600	n	(P-769;A-7655)	1400.117	n	(P-7808)
226.605	am	(P-769;A-7655)	1400.160	am	(P-7808)
226.615	am	(P-769;A-7655)	1400.175	n	(P-7808)
226.620	n	(P-769;A-7655)	1400.180	am	(P-7808)
226.622	am	(P-769;A-7655)	1400.190	am	(P-7808)
226.625	am	(P-769;A-7655)	1400.210	n	(P-7808)
226.632	am	(P-769;A-7655)	1501.102	am	(P-14964/96;A-5891)
226.633	n	(P-769;A-7655)	1501.102	am	(P-8745)
226.636	am	(P-769;A-7655)	1501.114	am	(P-8745)
226.645	n	(P-769;A-7655)	1501.201	am	(P-8745)
226.675	am	(P-769;A-7655)	1501.301	am	(P-5968)
226.680	r	(P-769;A-7655)	1501.302	am	(P-5968)
226.682	r	(P-769;A-7655)	1501.308	am	(P-8745)
226.683	n	(P-769;A-7655)	1501.402	am	(P-15130/96;A-5891)
226.684	r	(P-769;A-7655)	1501.501	am	(A-8745)
226.688	r	(P-769;A-7655)	1501.502	am	(P-11527/96;A-5891)
226.690	r	(P-769;A-7655)	1501.507	am	(P-15130/96;A-5891)
226.692	am	(P-769;A-7655)	1501.510	am	(P-8745)
226.695	am	(P-769;A-7655)	1501.519	n	(P-14674/96;A-5891)
275.10	am	(P-6943)	1501.520	n	(P-11527/96;A-5891)
275.60	re	(P-6943)	1501.521	am	(P-5968)
275.100	am	(P-6943)	1501.522	am	(P-8745)
525.10	am	(P-8585/96;A-2172)	1501.604	am	(P-14353/96;A-5891)
525.20	r	(P-8585/96;A-2172)	1501.608	am	(P-14353/96;A-5891)
525.30	r	(P-8585/96;A-2172)	2310.80	am	(P-8585/96;A-2172)
525.40	r	(P-8585/96;A-2172)	2700.10	am	(P-1892)
525.50	am	(P-8585/96;A-2172)	2700.20	am	(P-1892)
525.60	am	(P-8585/96;A-2172)	2700.30	am	(P-1892)
525.100	am	(P-8585/96;A-2172)	2700.40	am	(P-1892)
525.110	am	(P-8585/96;A-2172)	2700.50	am	(P-1892)
525.120	am	(P-8585/96;A-2172)	2700.60	am	(P-1892)
525.130	am	(P-8585/96;A-2172)	2700.70	am	(P-1892)
525.140	am	(P-8585/96;A-2172)	2720.5	am	(P-1863)
525.160	am	(P-8585/96;A-2172)	2720.6	r	(P-1863)

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2760.30	r	n	(P-2120)	n	(P-2133)	2770.30	r	n	(P-2138)
2760.30	r	n	(P-2111)	n	(P-2133)	2770.40	r	n	(P-2133)
2760.40	r	n	(P-2120)	n	(P-2133)	2771.10	r	n	(P-1829)
2760.40	r	n	(P-2111)	n	(P-1833)	2771.20	r	n	(P-1833)
2760.App A	r	n	(P-2111)	n	(P-1829)	2771.30	r	n	(P-1837)
2760.App B	r	n	(P-2111)	n	(P-1837)	2771.40	r	n	(P-1837)
2761.10	r	n	(P-2019)	n	(P-1829)	2771.App A	r	n	(P-1829)
2761.20	r	n	(P-2025)	n	(P-1837)	2790.10	am	n	(P-1833)
2761.20	r	n	(P-2019)	n	(P-1837)	2790.20	am	n	(P-2002)
2761.30	r	n	(P-2019)	n	(P-1829)	2790.30	am	n	(P-2002)
2761.40	r	n	(P-2025)	n	(P-2002)	2790.40	am	n	(P-2002)
2762.10	r	n	(P-2076)	n	(P-2002)	2790.50	am	n	(P-2002)
2762.20	r	n	(P-2084)	n	(P-2002)	2790.60	am	n	(P-2002)
2762.20	r	n	(P-2084)	n	(P-2002)	2790.70	am	n	(P-2002)
2762.30	r	n	(P-2076)	n	(P-2002)	2790.80	am	n	(P-2002)
2762.40	r	n	(P-2076)	n	(P-2002)	2790.90	am	n	(P-2002)
2762.40	r	n	(P-2084)	n	(P-2002)	2790.100	am	n	(P-2002)
2763.10	r	n	(P-2031)	n	(P-2002)	2790.110	am	n	(P-2002)
2763.20	r	n	(P-2040)	n	(P-2002)	2790.120	am	n	(P-2002)
2763.20	r	n	(P-2031)	n	(P-2002)	2790.130	am	n	(P-2002)
2763.30	r	n	(P-2040)	n	(P-2002)	2790.140	am	n	(P-2002)
2763.40	r	n	(P-2031)	n	(P-4438)(E-4853)	3030.95	am	n	(P-4438)(E-4853)
2763.40	r	n	(P-2040)	n	(P-4438)(E-4853)	3030.105	am	n	(P-4438)(E-4853)
2763.50	r	n	(P-2031)	n	(P-13930/96:A-2408)	3040.120	am	n	(P-4431)
2764.10	r	n	(P-1846)	n	(P-4431)	3040.150	am	n	(P-13930/96:A-2408)
2764.20	r	n	(P-1854)	n	(P-13930/96:A-2408)	3040.160	am	n	(P-4431)
2764.30	r	n	(P-1846)	n	(P-13930/96:A-2408)	3040.170	am	n	(P-13930/96:A-2408)
2764.40	r	n	(P-1846)	n	(P-13930/96:A-2408)	3040.210	am	n	(P-13930/96:A-2408)
2764.50	r	n	(P-1846)	n	(P-4431)	3040.220	am	n	(P-13930/96:A-2408)
2765.10	r	n	(P-1970)	n	(P-4431)	3040.240	am	n	(P-13930/96:A-2408)
2765.20	r	n	(P-1970)	n	(P-14991/96:A-4981)	3040.300	am	n	(P-4431)
2765.30	r	n	(P-1970)	n	(P-14991/96:A-4981)	3040.320	am	n	(P-4431)
2765.40	r	n	(P-1970)	n	(P-14991/96:A-4981)	3040.330	am	n	(P-13930/96:A-2408)
2765.50	r	n	(P-1970)	n	(P-14991/96:A-4981)	3060.100	am	n	(P-14991/96:A-4981)
2770.10	r	n	(P-2128)	n	(P-3017)	3060.400	am	n	(P-14991/96:A-4981)
2770.10	r	n	(P-2133)	n	(P-3017)	3060.500	am	n	(P-14991/96:A-4981)
2770.20	r	n	(P-2128)	n	(P-5763/96:A-2634)	3060.600	am	n	(P-14991/96:A-4981)
2770.20	r	n	(P-2128)	n	(P-5763/96:A-2634)	3060.800	am	n	(P-14991/96:A-4981)

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100.40	am	(P-3017)
100.70	am	(P-3017)
100.120	n	(P-3017)
207.140	n	(P-5763/96:A-2634)

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207.App B	am	(P-5763/96:A-2634)
216.10	n	(P-14113/96:A-4610)
216.20	n	(P-14113/96:A-4610)
216.30	n	(P-14113/96:A-4610)
216.40	n	(P-14113/96:A-4610)
216.50	n	(P-14113/96:A-4610)
216.60	n	(P-14113/96:A-4610)
216.70	n	(P-14113/96:A-4610)
216.80	n	(P-14113/96:A-4610)
216.90	n	(P-14113/96:A-4610)
216.100	n	(P-14113/96:A-4610)
216.Ex.A	n	(P-14113/96:A-4610)
216.Ex.B	n	(P-14113/96:A-4610)
216.Ex.C	n	(P-14113/96:A-4610)
216.Ex.D	n	(P-14113/96:A-4610)
216.Ex.E	n	(P-14113/96:A-4610)
216.Ex.F	n	(P-14113/96:A-4610)
216.Ex.G	n	(P-14113/96:A-4610)
216.Ex.H	n	(P-14113/96:A-4610)
TITLE 29		
620.10	am	(P-7789)
620.20	am	(P-7789)
620.30	am	(P-7789)
620.40	am	(P-7789)
620.50	am	(P-7789)
620.60	am	(P-7789)
620.70	am	(P-7789)
620.80	am	(P-7789)
620.90	am	(P-7789)
620.100	am	(P-7789)
620.200	am	(P-7789)
620.210	am	(P-7789)
620.220	am	(P-7789)
620.230	am	(P-7789)
620.240	am	(P-7789)
TITLE 32		
331.200	am	(P-4369)(E-4309)
332.10	am	(P-14683/96:A-3897)
332.20	am	(P-14683/96:A-3897)
332.40	am	(P-14683/96:A-3897)
332.60	am	(P-14683/96:A-3897)
332.70	am	(P-14683/96:A-3897)
332.100	am	(P-14683/96:A-3897)
332.110	am	(P-14683/96:A-3897)
332.140	am	(P-14683/96:A-3897)
332.150	am	(P-14683/96:A-3897)
332.170	am	(P-14683/96:A-3897)
332.240	am	(P-14683/96:A-3897)
332.250	am	(P-14683/96:A-3897)
TITLE 35		
183.115	am	(P-6948)
183.120	am	(P-6948)
183.150	am	(P-6948)
183.205	re	(P-6948)
183.210	re	(P-6948)
183.215	re	(P-6948)
183.220	re	(P-6948)
183.225	re	(P-6948)
183.230	re	(P-6948)
183.231	re	(P-6948)
183.235	re	(P-6948)
183.240	re	(P-6948)
183.245	re	(P-6948)
183.250	re	(P-6948)
183.255	re	(P-6948)
183.Ap.A	re	(P-6948)
183.Ap.B	re	(P-6948)
186.105	n	(P-6979)
186.110	n	(P-6979)
186.115	n	(P-6979)
186.120	n	(P-6979)
186.125	n	(P-6979)
186.130	n	(P-6979)
186.135	n	(P-6979)
186.140	n	(P-6979)
186.145	n	(P-6979)
186.150	n	(P-6979)
186.155	n	(P-6979)
186.160	n	(P-6979)
186.165	n	(P-6979)
186.170	n	(P-6979)
186.175	n	(P-6979)
186.180	n	(P-6979)
186.185	n	(P-6979)
186.190	n	(P-6979)
186.195	n	(P-6979)
186.200	n	(P-6979)
186.205	n	(P-6979)
186.210	n	(P-6979)
186.215	n	(P-6979)
186.220	n	(P-6979)
186.225	n	(P-6979)

[illegible]

Title 35 cont.		
399 Ap. A	am	(P-2558)
505.101	n	(P-4313)
505.102	n	(P-4313)
505.103	n	(P-4313)
505.201	n	(P-4313)
505.202	n	(P-4313)
505.203	n	(P-4313)
505.204	n	(P-4313)
505.205	n	(P-4313)
505.206	n	(P-4313)
505.301	n	(P-4313)
505.302	n	(P-4313)
505.303	n	(P-4313)
505.304	n	(P-4313)
505.305	n	(P-4313)
505.306	n	(P-4313)
505.307	n	(P-4313)
505.308	n	(P-4313)
505.312	n	(P-4313)
505.401	n	(P-4313)
505.402	n	(P-4313)
505.403	n	(P-4313)
505.404	n	(P-4313)
505.405	n	(P-4313)
506.101	n	(P-15906/96;A-6851)
506.102	n	(P-15906/96;A-6851)
506.103	n	(P-15906/96;A-6851)
506.104	n	(P-15906/96;A-6851)
506.105	n	(P-15906/96;A-6851)
506.106	n	(P-15906/96;A-6851)
506.201	n	(P-15906/96;A-6851)
506.202	n	(P-15906/96;A-6851)
506.203	n	(P-15906/96;A-6851)
506.204	n	(P-15906/96;A-6851)
506.205	n	(P-15906/96;A-6851)
506.206	n	(P-15906/96;A-6851)
506.208	n	(P-15906/96;A-6851)
506.209	n	(P-15906/96;A-6851)
506.301	n	(P-15906/96;A-6851)
506.302	n	(P-15906/96;A-6851)
506.303	n	(P-15906/96;A-6851)
506.304	n	(P-15906/96;A-6851)
506.305	n	(P-15906/96;A-6851)
506.306	n	(P-15906/96;A-6851)
506.309	n	(P-15906/96;A-6851)
506.310	n	(P-15906/96;A-6851)
506.311	n	(P-15906/96;A-6851)
506.312	n	(P-15906/96;A-6851)
506.313	n	(P-15906/96;A-6851)
506.314	n	(P-15906/96;A-6851)
506.401	n	(P-15906/96;A-6851)
506.501	n	(P-15906/96;A-6851)
506.601	n	(P-15906/96;A-6851)
506.602	n	(P-15906/96;A-6851)
506.603	n	(P-15906/96;A-6851)
506.701	n	(P-15906/96;A-6851)
506.702	n	(P-15906/96;A-6851)
506.703	n	(P-15906/96;A-6851)
506.704	n	(P-15906/96;A-6851)
601.101	am	(P-15899/96;A-6537)
601.105	am	(P-15899/96;A-6537)
602.105	am	(P-15948/96;A-6562)
602.106	am	(P-15948/96;A-6562)
602.108	am	(P-15948/96;A-6562)
602.110	am	(P-15948/96;A-6562)
602.114	am	(P-15948/96;A-6562)
602.115	am	(P-15948/96;A-6562)
602.120	am	(P-15948/96;A-6562)
603.102	am	(P-15943/96;A-6558)
603.103	am	(P-15943/96;A-6558)
603.104	am	(P-15943/96;A-6558)
607.103	am	(P-15937/96;A-6553)
607.104	am	(P-15937/96;A-6553)
615.102	am	(P-15863/96;A-6503)
615.204	am	(P-15863/96;A-6503)
615.462	am	(P-15863/96;A-6503)
616.101	am	(P-16132/96;A-6543)
616.102	am	(P-16132/96;A-6543)
616.104	am	(P-16132/96;A-6543)
616.447	am	(P-16132/96;A-6543)
617.101	am	(P-15956/96;A-6569)
617.102	am	(P-15956/96;A-6569)
620.110	am	(P-15879/96;A-6518)
620.201	am	(P-2562;A-7869)
620.230	am	(P-15879/96;A-6518)
620.201	am	(P-2562;A-7869)
620.250	am	(P-15879/96;A-6518)
620.301	am	(P-15879/96;A-6518)
620.420	am	(P-15879/96;A-6518)
620.450	am	(P-15879/96;A-6518)
620.505	am	(P-2562;A-7869)
732.100	am	(P-13806/96;A-3617)
732.101	am	(P-13806/96;A-3617)
732.103	am	(P-13806/96;A-3617)
732.104	am	(P-13806/96;A-3617)
732.202	am	(P-13806/96;A-3617)
732.203	am	(P-13806/96;A-3617)
732.300	am	(P-13806/96;A-3617)
732.302	am	(P-13806/96;A-3617)
732.303	am	(P-13806/96;A-3617)
732.304	am	(P-13806/96;A-3617)

Title 35 cont.			Title 35 cont.			Title 35 cont.		
732.305	am	(P-13806/96:A-3617)	740.205	n	(P-2571:A-7889)	Tb.B	n	(P-2571:A-7942)
732.306	am	(P-13806/96:A-3617)	740.210	n	(P-2571:A-7889)	Tb.C	n	(P-2571:A-7942)
732.307	am	(P-13806/96:A-3617)	740.215	n	(P-2571:A-7889)	Tb.D	n	(P-2571:A-7942)
732.308	am	(P-13806/96:A-3617)	740.220	n	(P-2571:A-7889)	Tb.E	n	(P-2571:A-7942)
732.309	am	(P-13806/96:A-3617)	740.225	n	(P-2571:A-7889)	Tb.F	n	(P-2571:A-7942)
732.308	am	(P-13806/96:A-3617)	740.230	n	(P-2571:A-7889)	742.Ap.C	n	(P-2571:A-7942)
732.310	am	(P-13806/96:A-3617)	740.235	n	(P-2571:A-7889)	Il.A	n	(P-2571:A-7942)
732.311	am	(P-13806/96:A-3617)	740.300	n	(P-2571:A-7889)	Il.B	n	(P-2571:A-7942)
732.312	n	(P-13806/96:A-3617)	740.305	n	(P-2571:A-7889)	Il.C	n	(P-2571:A-7942)
732.400	am	(P-13806/96:A-3617)	740.310	n	(P-2571:A-7889)	Tb.A	n	(P-2571:A-7942)
732.402	am	(P-13806/96:A-3617)	740.315	n	(P-2571:A-7889)	Tb.B	n	(P-2571:A-7942)
732.403	am	(P-13806/96:A-3617)	740.320	n	(P-2571:A-7889)	Tb.C	n	(P-2571:A-7942)
732.404	am	(P-13806/96:A-3617)	740.400	n	(P-2571:A-7889)	Tb.D	n	(P-2571:A-7942)
732.405	am	(P-13806/96:A-3617)	740.405	n	(P-2571:A-7889)	Tb.E	n	(P-2571:A-7942)
732.406	am	(P-13806/96:A-3617)	740.410	n	(P-2571:A-7889)	Tb.F	n	(P-2571:A-7942)
732.407	am	(P-13806/96:A-3617)	740.415	n	(P-2571:A-7889)	Tb.G	n	(P-2571:A-7942)
732.408	am	(P-13806/96:A-3617)	740.420	n	(P-2571:A-7889)	Tb.H	n	(P-2571:A-7942)
732.409	am	(P-13806/96:A-3617)	740.425	n	(P-2571:A-7889)	Tb.I	n	(P-2571:A-7942)
732.410	r	(P-13806/96:A-3617)	740.430	n	(P-2571:A-7889)	Tb.J	n	(P-2571:A-7942)
732.501	am	(P-13806/96:A-3617)	740.435	n	(P-2571:A-7889)	Tb.K	n	(P-2571:A-7942)
732.502	am	(P-13806/96:A-3617)	740.440	n	(P-2571:A-7889)	817.309	am	(P-11554/96:A-1183) (RC-2693;EC-5946)
732.503	am	(P-13806/96:A-3617)	740.445	n	(P-2571:A-7889)	TITLE 38		
732.601	am	(P-13806/96:A-3617)	740.450	n	(P-2571:A-7889)	190.20	am	(P-1127)
732.603	am	(P-13806/96:A-3617)	740.455	n	(P-2571:A-7889)	302.10	n	(P-4294)
732.604	am	(P-13806/96:A-3617)	740.500	n	(P-2571:A-7889)	302.20	n	(P-4294)
732.605	am	(P-13806/96:A-3617)	740.505	n	(P-2571:A-7889)	302.30	n	(P-4294)
732.608	am	(P-13806/96:A-3617)	740.510	n	(P-2571:A-7889)	302.30	n	(P-4294)
732.612	am	(P-13806/96:A-3617)	740.515	n	(P-2571:A-7889)	302.40	n	(P-4294)
732.700	n	(P-13806/96:A-3617)	740.520	n	(P-2571:A-7889)	305.10	am	(P-4290)
732.701	n	(P-13806/96:A-3617)	740.525	n	(P-2571:A-7889)	305.20	am	(P-4290)
732.702	n	(P-13806/96:A-3617)	740.530	n	(P-2571:A-7889)	305.30	am	(P-4290)
732.703	n	(P-13806/96:A-3617)	740.600	n	(P-2571:A-7889)	305.30	um	(P-4290)
732.704	n	(P-13806/96:A-3617)	740.605	n	(P-2571:A-7889)	305.40	um	(P-4290)
732.Ap.B	am	(P-13806/96:A-3617)	740.610	n	(P-2571:A-7889)	307.10	r	(P-13024/96:A-602)
732.Tb.A	r	(P-13806/96:A-3617)	740.615	n	(P-2571:A-7889)	307.20	r	(P-13024/96:A-602)
732.Tb.B	r	(P-13806/96:A-3617)	740.620	n	(P-2571:A-7889)	370.10	r	(P-13028/96:A-605)
732.Tb.C	r	(P-13806/96:A-3617)	740.625	n	(P-2571:A-7889)	370.20	r	(P-13028/96:A-605)
732.Tb.D	r	(P-13806/96:A-3617)	740.Ap.A	n	(P-2571:A-7889)	370.30	r	(P-13028/96:A-605)
732.II.A	r	(P-13806/96:A-3617)	Tb.A	n	(P-2571:A-7889)	375.10	n	(P-4298)
732.II.B	r	(P-13806/96:A-3617)	Tb.B	n	(P-2571:A-7889)	375.20	n	(P-4298)
732.II.C	r	(P-13806/96:A-3617)	Tb.C	n	(P-2571:A-7889)	375.30	n	(P-4298)
732.II.D	r	(P-13806/96:A-3617)	Tb.C	n	(P-2571:A-7889)	375.40	n	(P-4298)
732.II.C	r	(P-13806/96:A-3617)	740.Ap.B	n	(P-2571:A-7889)	375.50	n	(P-4298)
732.Ap.C	r	(P-13806/96:A-3617)	742.100	n	(P-2571:A-7942)	375.60	n	(P-4298)
740.100	n	(P-2571:A-7889)	742.105	n	(P-2571:A-7942)	375.70	n	(P-4298)
740.105	n	(P-2571:A-7889)	742.110	n	(P-2571:A-7942)	380.10	um	(P-4303)
740.110	n	(P-2571:A-7889)	742.115	n	(P-2571:A-7942)	380.20	um	(P-4303)
740.115	n	(P-2571:A-7889)	742.120	n	(P-2571:A-7942)	380.30	am	(P-4303)
740.120	n	(P-2571:A-7889)	742.200	n	(P-2571:A-7942)	800.10	r	(P-3792)
740.125	n	(P-2571:A-7889)	742.205	n	(P-2571:A-7942)	800.20	r	(P-3792)
740.130	n	(P-2571:A-7889)	742.215	n	(P-2571:A-7942)	800.30	am	(P-3792)
740.200	n	(P-2571:A-7889)	742.220	n	(P-2571:A-7942)	800.40	am	(P-3792)

[illegible]

Title 47 cont.	110.30	am	(P-6134)	370.209	r	(P-5013)(E-5328)
	110.40	am	(P-6134)	370.210	r	(P-5013)(E-5328)
	110.40	am	(P-6134)	370.211	r	(P-5013)(E-5328)
	110.60	am	(P-6134)	370.212	r	(P-5013)(E-5328)
	110.70	am	(P-6134)	370.301	r	(P-5013)(E-5328)
	110.80	am	(P-6134)	370.302	r	(P-5013)(E-5328)
	110.91	am	(P-6134)	370.303	r	(P-5013)(E-5328)
	110.230	am	(P-6134)	370.304	r	(P-5013)(E-5328)
	110.260	am	(P-6134)	370.305	r	(P-5013)(E-5328)
	110.280	am	(P-6134)	370.401	r	(P-5013)(E-5328)
	110.330	am	(P-6134)	370.402	r	(P-5013)(E-5328)
	110.340	am	(P-6134)	370.501	r	(P-5013)(E-5328)
	110.360	am	(P-6134)	370.502	r	(P-5013)(E-5328)
	350.101	am	(P-3790;A-901.2)(E-4023)	370.503	r	(P-5013)(E-5328)
	350.102	am	(P-3790;A-901.2)(E-4023)	370.504	r	(P-5013)(E-5328)
	350.104	am	(P-3790;A-901.2)(E-4023)	370.505	r	(P-5013)(E-5328)
	350.201	am	(P-3790;A-901.2)(E-4023)	370.506	r	(P-5013)(E-5328)
	350.202	am	(P-3790;A-901.2)(E-4023)	370.507	r	(P-5013)(E-5328)
	350.203	am	(P-3790;A-901.2)(E-4023)	370.508	r	(P-5013)(E-5328)
	350.204	n	(P-3790;A-901.2)(E-4023)	370.601	r	(P-5013)(E-5328)
	350.205	am	(P-3790;A-901.2)(E-4023)	370.602	r	(P-5013)(E-5328)
	350.206	am	(P-3790;A-901.2)(E-4023)	370.603	r	(P-5013)(E-5328)
	350.207	am	(P-3790;A-901.2)(E-4023)	370.604	r	(P-5013)(E-5328)
	350.208	am	(P-3790;A-901.2)(E-4023)	370.605	r	(P-5013)(E-5328)
	350.209	am	(P-3790;A-901.2)(E-4023)	370.701	r	(P-5013)(E-5328)
	350.210	b	(P-3790;A-901.2)(E-4023)	370.702	r	(P-5013)(E-5328)
	350.211	am	(P-3790;A-901.2)(E-4023)	370.703	r	(P-5013)(E-5328)
	350.212	am	(P-3790;A-901.2)(E-4023)	370.704	r	(P-5013)(E-5328)
	350.213	am	(P-3790;A-901.2)(E-4023)	370.705	r	(P-5013)(E-5328)
	350.214	am	(P-3790;A-901.2)(E-4023)	370.706	r	(P-5013)(E-5328)
	350.215	am	(P-3790;A-901.2)(E-4023)	370.707	r	(P-5013)(E-5328)
	370.101	r	(P-5013)(E-5328)	370.801	r	(P-5013)(E-5328)
370.102	r	(P-5013)(E-5328)	370.802	r	(P-5013)(E-5328)	
370.103	r	(P-5013)(E-5328)	370.901	r	(P-5013)(E-5328)	
370.104	r	(P-5013)(E-5328)	370.902	r	(P-5013)(E-5328)	
370.105	r	(P-5013)(E-5328)	370.903	r	(P-5013)(E-5328)	
370.106	r	(P-5013)(E-5328)	370.904	r	(P-5013)(E-5328)	
370.107	r	(P-5013)(E-5328)	370.1001	r	(P-5013)(E-5328)	
370.108	r	(P-5013)(E-5328)	370.1002	r	(P-5013)(E-5328)	
370.109	r	(P-5013)(E-5328)	370.1003	r	(P-5013)(E-5328)	
370.110	r	(P-5013)(E-5328)	370.1004	r	(P-5013)(E-5328)	
370.111	r	(P-5013)(E-5328)	370.1005	r	(P-5013)(E-5328)	
370.112	r	(P-5013)(E-5328)	370.1006	r	(P-5013)(E-5328)	
370.113	r	(P-5013)(E-5328)	370.1007	r	(P-5013)(E-5328)	
370.201	r	(P-5013)(E-5328)	370.1101	r	(P-5013)(E-5328)	
370.202	r	(P-5013)(E-5328)	371.10	n	(P-5016)(E-5369)	
370.203	r	(P-5013)(E-5328)	371.20	n	(P-5016)(E-5369)	
370.204	r	(P-5013)(E-5328)				
370.205	r	(P-5013)(E-5328)				
370.206	r	(P-5013)(E-5328)				
370.207	r	(P-5013)(E-5328)				
370.208	r	(P-5013)(E-5328)				
TITLE 50				855.11A	am	(P-14362/96;A-5925)
				909.10	am	(P-2458)
				909.20	am	(P-2458)

Title 62 cont.					
240.470	am	(P-13699/96;A-7164)	1175.220	am	(P-8813/96;A-7277)
240.530	am	(P-13699/96;A-7164)	1175.225	am	(P-8813/96;A-7277)
240.540	am	(P-13699/96;A-7164)	1175.235	am	(P-8813/96;A-7277)
240.550	am	(P-13699/96;A-7164)	1175.300	am	(P-8813/96;A-7277)
240.605	n	(P-13699/96;A-7164)	1175.305	am	(P-8813/96;A-7277)
240.610	am	(P-13699/96;A-7164)	1175.310	am	(P-8813/96;A-7277)
240.630	am	(P-13699/96;A-7164)	1175.320	am	(P-8813/96;A-7277)
240.640	am	(P-13699/96;A-7164)	1175.325	am	(P-8813/96;A-7277)
240.710	am	(P-13699/96;A-7164)	1175.335	am	(P-8813/96;A-7277)
240.760	am	(P-13699/96;A-7164)	1175.340	am	(P-8813/96;A-7277)
240.780	am	(P-13699/96;A-7164)	1175.345	am	(P-8813/96;A-7277)
240.860	am	(P-13699/96;A-7164)	1175.350	am	(P-8813/96;A-7277)
240.861	am	(P-13699/96;A-7164)	1175.360	am	(P-8813/96;A-7277)
240.862	n	(P-13699/96;A-7164)	1175.370	am	(P-8813/96;A-7277)
240.890	am	(P-13699/96;A-7164)	1175.400	am	(P-8813/96;A-7277)
240.891	am	(P-13699/96;A-7164)	1175.405	am	(P-8813/96;A-7277)
240.895	am	(P-13699/96;A-7164)	1175.410	am	(P-8813/96;A-7277)
240.900	n	(P-13699/96;A-7164)	1175.415	am	(P-8813/96;A-7277)
240.906	am	(P-13699/96;A-7164)	1175.420	am	(P-8813/96;A-7277)
240.926	n	(P-13699/96;A-7164)	1175.425	am	(P-8813/96;A-7277)
240.1110	am	(P-13699/96;A-7164)	1175.430	am	(P-8813/96;A-7277)
240.1130	am	(P-13699/96;A-7164)	1175.435	am	(P-8813/96;A-7277)
240.1131	n	(P-13699/96;A-7164)	1175.500	am	(P-8813/96;A-7277)
240.1410	am	(P-13699/96;A-7164)	1175.505	am	(P-8813/96;A-7277)
240.1450	am	(P-13699/96;A-7164)	1175.510	am	(P-8813/96;A-7277)
240.1460	am	(P-13699/96;A-7164)	1175.520	am	(P-8813/96;A-7277)
240.1470	n	(P-13699/96;A-7164)	1175.525	am	(P-8813/96;A-7277)
240.1480	am	(P-13699/96;A-7164)	1175.530	am	(P-8813/96;A-7277)
240.1500	am	(P-13699/96;A-7164)	1175.535	am	(P-8813/96;A-7277)
240.1600	am	(P-13699/96;A-7164)	1175.540	am	(P-8813/96;A-7277)
240.1610	am	(P-13699/96;A-7164)	1175.545	am	(P-8813/96;A-7277)
240.1620	am	(P-13699/96;A-7164)	1175.550	am	(P-8813/96;A-7277)
240.1630	am	(P-13699/96;A-7164)	1175.560	am	(P-8813/96;A-7277)
240.1635	n	(P-13699/96;A-7164)	1175.570	am	(P-8813/96;A-7277)
240.1640	am	(P-13699/96;A-7164)	1175.600	re	(P-8813/96;A-7277)
240.1710	am	(P-13699/96;A-7164)	1175.605	re	(P-8813/96;A-7277)
240.1820	am	(P-13699/96;A-7164)	1175.610	re	(P-8813/96;A-7277)
240.1852	n	(P-13699/96;A-7164)	1175.615	re	(P-8813/96;A-7277)
240.1940	am	(P-13699/96;A-7164)	1175.700	am	(P-8813/96;A-7277)
			1175.705	am	(P-8813/96;A-7277)
			1175.710	am	(P-8813/96;A-7277)
			1175.715	am	(P-8813/96;A-7277)
			1175.720	am	(P-8813/96;A-7277)
			1175.725	am	(P-8813/96;A-7277)
			1175.730	am	(P-8813/96;A-7277)
			1175.735	am	(P-8813/96;A-7277)
			1175.800	am	(P-8813/96;A-7277)
			1175.805	am	(P-8813/96;A-7277)
			1175.810	am	(P-8813/96;A-7277)
			1175.815	am	(P-8813/96;A-7277)
			1175.825	am	(P-8813/96;A-7277)
			1175.830	am	(P-8813/96;A-7277)

TITLE 68

1150.30	am	(P-14978/96;A-5928)
1150.60	am	(P-14978/96;A-5928)
1150.80	am	(P-14978/96;A-5928)
1175.100	am	(P-8813/96;A-7277)
1175.105	am	(P-8813/96;A-7277)
1175.110	am	(P-8813/96;A-7277)
1175.200	am	(P-8813/96;A-7277)
1175.205	am	(P-8813/96;A-7277)
1175.210	am	(P-8813/96;A-7277)
1175.215	am	(P-8813/96;A-7277)

Title 68 cont.					
1175.835	am	(P-8813/96;A-7277)	1240.100	n	(P-14708/96;A-3135)
1175.840	am	(P-8813/96;A-7277)	1240.110	n	(P-14708/96;A-3135)
1175.845	am	(P-8813/96;A-7277)	1240.120	n	(P-14708/96;A-3135)
1175.850	am	(P-8813/96;A-7277)	1240.130	n	(P-14708/96;A-3135)
1175.855	am	(P-8813/96;A-7277)	1240.140	n	(P-14708/96;A-3135)
1175.865	am	(P-8813/96;A-7277)	1240.150	n	(P-14708/96;A-3135)
1175.870	am	(P-8813/96;A-7277)	1240.160	n	(P-14708/96;A-3135)
1175.875	am	(P-8813/96;A-7277)	1240.170	n	(P-14708/96;A-3135)
1175.900	re	(P-8813/96;A-7277)	1240.180	n	(P-14708/96;A-3135)
1175.905	re	(P-8813/96;A-7277)	1240.190	n	(P-14708/96;A-3135)
1175.910	re	(P-8813/96;A-7277)	1240.200	# am	(P-14708/96;A-3135)
1175.915	re	(P-8813/96;A-7277)	1240.210	#	(P-14708/96;A-3135)
1175.1000	re	(P-8813/96;A-7277)	1240.220	#	(P-14708/96;A-3135)
1175.1001	am	(P-8813/96;A-7277)	1240.230	#	(P-14708/96;A-3135)
1175.1005	am	(P-8813/96;A-7277)	1252.10	n	(E-5647)/(P-5398)
1175.1010	am	(P-8813/96;A-7277)	1252.20	n	(P-5398)
1175.1015	am	(P-8813/96;A-7277)	1252.30	n	(P-5398)
1175.1025	am	(P-8813/96;A-7277)	1252.40	n	(E-5647)/(P-5398)
1175.1030	am	(P-8813/96;A-7277)	1252.50	n	(E-5647)/(P-5398)
1175.1035	am	(P-8813/96;A-7277)	1252.60	n	(P-5398)
1175.1100	am	(P-8813/96;A-7277)	1252.70	n	(P-5398)
1175.1105	re	(P-8813/96;A-7277)	1252.80	n	(E-5647)/(P-5398)
1175.1125	am	(P-8813/96;A-7277)	1252.90	n	(P-5398)
1175.1130	am	(P-8813/96;A-7277)	1252.100	n	(P-5398)
1175.1135	am	(P-8813/96;A-7277)	1252.110	n	(P-5398)
1175.1140	am	(P-8813/96;A-7277)	1252.120	n	(P-5398)
1175.1145	am	(P-8813/96;A-7277)	1252.130	n	(P-5398)
1175.1150	am	(P-8813/96;A-7277)	1270.5	am	(P-6017)
1175.1155	am	(P-8813/96;A-7277)	1270.10	am	(P-6017)
1175.1160	am	(P-8813/96;A-7277)	1270.30	am	(P-6017)
1175.1165	am	(P-8813/96;A-7277)	1270.45	am	(P-6017)
1175.1170	re	(P-8813/96;A-7277)	1320.80	am	(P-8844)
1175.1175	am	(P-8813/96;A-7277)	1380.290	am	(P-6027)
1175.1200	am	(P-8813/96;A-7277)	1400.20	am	(P-6389)
1175.1210	am	(P-8813/96;A-7277)	1400.30	am	(P-6389)
1175.1215	am	(P-8813/96;A-7277)	1400.40	am	(P-6389)
1175.1300	n	(P-8813/96;A-7277)	1400.60	am	(P-6389)
1220.110	am	(P-6638/96;A-378)	1400.70	am	(P-6389)
1220.120	am	(P-6638/96;A-378)	1400.75	am	(P-6389)/(E-9217)
1220.130	am	(P-6638/96;A-378)	1400.90	am	(P-6389)
1220.155	am	(P-6638/96;A-378)	1420.70	am	(P-8837)
1220.231	am	(P-6638/96;A-378)	1445.15	am	(P-793)
1220.240	am	(P-6638/96;A-378)	1450.45	am	(P-4948)
1220.310	am	(P-6638/96;A-378)	1450.55	am	(P-4948)
1220.405	am	(P-6638/96;A-378)	1450.175	am	(P-15848/96;A-3602)
1220.451	am	(P-6638/96;A-378)	1450.300	n	(P-4948)
1220.466	am	(P-6638/96;A-378)	1450.305	n	(P-4948)
1220.470	am	(P-6638/96;A-378)	1450.310	n	(P-4948)
1220.475	am	(P-6638/96;A-378)	1450.315	n	(P-4948)
1220.480	am	(P-6638/96;A-378)	1450.320	n	(P-4948)
1220.485	am	(P-6638/96;A-378)	1450.325	n	(P-4948)
1220.490	am	(P-6638/96;A-378)	1450.330	n	(P-4948)

Title 77 cont.				Title 77 cont.			
696.130 n	(P-6716)	n	860.160	860.600 r	(P-5698)	1120.310 am	(P-3544)
696.140 n	(P-6716)	n	860.170	860 Ap.A r	(P-5721)	1120 Ap.A am	(P-3544)
696.150 n	(P-6716)	r	860.200	860 Ap.B n	(P-5721)	1130.720 am	(P-8867/95;A-2972/95)
696.160 n	(P-6716)	n	860.210	860 Ap.C n	(P-5721)		(RQ-1129;EC-3753)
696.170 n	(P-6716)	n	860.220	860 Ap.D n	(P-5721)	1130.750 am	(P-8867/95;A-2972/95)
696.180 n	(P-6716)	n	860.230	860 Tb.A r	(P-5698)		(RQ-1129;EC-3753)
696.190 n	(P-6716)	n	860.240	860 Tb.B r	(P-5721)	1130.770 am	(P-8867/95;A-2972/95)
696.200 n	(P-6716)	n	860.250	860 Tb.C r	(P-5698)		(RQ-1129;EC-3753)
696.210 n	(P-6716)	n	860.260	860 Tb.D r	(P-5721)	1130 Ap.A am	(P-8867/95;A-2972/95)
696 Ap.A n	(P-6716)	n	860.270	860 II.A r	(P-5698)		(RQ-1129;EC-3753)
696 Ap.B n	(CC-9323)	n	860.280	860 II.B r	(P-5721)	1180.95 n	(P-3565)
700. re	(CC-9323)	n	860.290	860 II.C n	(P-5721)	1190.10 am	(P-8948/96;A-399)
705. re	(CC-9323)	n	860.300	860 II.D n	(P-5698)	1190.20 am	(P-8948/96;A-399)
820.10 am	(P-7089)(E-7536)	r	860.310	860 II.E n	(P-5721)	1190.30 am	(P-8948/96;A-399)
820.250 am	(P-7089)(E-7536)	r	860.320	860 II.F n	(P-5721)	1190.50 am	(P-8948/96;A-399)
820.400 am	(P-7089)(E-7536)	r	860.330	915.10 am	(P-2847)	1190.80 am	(P-8948/96;A-399)
845.10 am	(P-13282/96;A-7444)	n	860.340	915.20 am	(P-2847)	1190.90 n	(P-8948/96;A-399)
845.12 am	(P-13282/96;A-7444)	n	860.350	915.40 am	(P-2847)	2030. re	(CC-9319)
845.15 am	(P-13282/96;A-7444)	n	860.360	935.15 n	(P-2829)	2057. re	(CC-9319)
845.20 am	(P-13282/96;A-7444)	n	860.370	935.20 am	(P-2829)	2060. re	(CC-9319)
845.21 re	(P-13282/96;A-7444)	n	860.380	935.25 am	(P-2829)	2070. re	(CC-9319)
845.25 am	(P-13282/96;A-7444)	n	860.390	935.30 am	(P-2829)	2075. re	(CC-9319)
845.26 am	(P-13282/96;A-7444)	n	860.400	935.35 am	(P-2829)	2080. re	(CC-9319)
845.28 am	(P-13282/96;A-7444)	n	860.410	935.40 am	(P-2829)	2085. re	(CC-9319)
845.30 am	(P-13282/96;A-7444)	n	860.420	935.50 am	(P-2829)	2090. re	(CC-9319)
845.50 am	(P-13282/96;A-7444)	n	860.430	935.60 am	(P-2829)	2090.10 am	(P-14324/96;A-1600)
845 Ap.A	(P-13282/96;A-7444)	r	860.440	935.65 am	(P-2829)	2090.20 am	(P-14324/96;A-1600)
.Ex.A am	(P-13282/96;A-7444)	r	860.450	935.70 am	(P-2829)	2090.30 am	(P-14324/96;A-1600)
.Ex.B am	(P-13282/96;A-7444)	r	860.460	935.80 am	(P-2829)	2090.35 am	(P-14324/96;A-1600)
.Ex.C re	(P-13282/96;A-7444)	n	860.470	935.85 am	(P-2829)	2090.40 am	(P-14324/96;A-1600)
845 Ap.B re	(P-13282/96;A-7444)	n	860.480	935.90 am	(P-2829)	2090.50 am	(P-14324/96;A-1600)
845 Ap.C am	(P-13282/96;A-7444)	n	860.490	935.100 am	(P-2829)	2090.60 am	(P-14324/96;A-1600)
845 Ap.F n	(P-13282/96;A-7444)	n	860.500	935.105 am	(P-2829)	2090.70 am	(P-14324/96;A-1600)
845 Ap.G n	(P-13282/96;A-7444)	n	860.510	935.110 am	(P-2829)	2090.80 am	(P-14324/96;A-1600)
845 Ap.H n	(P-13282/96;A-7444)	n	860.520	935.120 am	(P-2829)	2090.90 r	(P-14324/96;A-1600)
860.10 r	(P-5698)	n	860.530	935.130 am	(P-2829)	2090.100 r	(P-14324/96;A-1600)
860.20 n	(P-5721)	n	860.540	1100.10 am	(P-9470/96;A-6220)	2090.105 am	(P-14324/96;A-1600)
860.100 r	(P-5698)	n	860.550	1100.510 am	(P-9470/96;A-6220)	2090.110 am	(P-14324/96;A-1600)
860.110 r	(P-5721)	n	860.560	1100.520 am	(P-9470/96;A-6220)	2510 Ap.D am	(P-3023;A-8964)(E-3277)
860.120 r	(P-5721)	n	860.570	1100.530 am	(P-9470/96;A-6220)	2510 Ap.E am	(P-3023;A-8964)(E-3277)
860.130 r	(P-5698)	n	860.580	1100.660 am	(P-9470/96;A-6220)	2510 Ap.F n	(P-3023;A-8964)(E-3277)
860.140 r	(P-5721)	n	860.590	1120.10 am	(P-3544)	2510 Ap.G n	(P-3023;A-8964)(E-3277)
860.150 r	(P-5698)	n	860.600	1120.20 am	(P-3544)	2510 Ap.H n	(P-3023;A-8964)(E-3277)
			860.610	1120.110 am	(P-3544)	2510 Ap.I n	(P-3023;A-8964)(E-3277)
			860.620	1120.130 am	(P-3544)	2530.40 am	(P-3025;A-9008)(E-3318)
			860.630	1120.210 am	(P-3544)	2530.50 n	(P-3025;A-9008)(E-3318)
						TITLE 80	
						150.210 am	(P-6825)
						310.100 am	(P-13102/96;A-1629)
						310.230 am	(P-14954/96;A-5144)
							(P-732;A-6444)(E-1023)

TITLE 80 cont.		TITLE 83		TITLE 83 cont.	
310.270	am	(P-2762;A-7118)	(P-8109/96;A-1659)	761.150	n
310.280	am	(P-13102/96;A-1629)	(P-8109/96;A-1659)		
		(P-2762;A-7118)	(P-8109/96;A-1659)		
310.290	am	(P-13102/96;A-1629)	(P-8109/96;A-1659)	761.150	n
310.500	am	(P-13102/96;A-1629)	(P-8109/96;A-1659)		
310.Ap.A					
.Tb.D	am	(P-13102/96;A-1629)	(P-3787/96;A-4008)		
.Tb.J	am	(P-13102/96;A-1629)	(P-3787/96;A-4008)		
420.10	am	(P-1579;A-5937)	(P-3787/96;A-4008)	761.200	n
420.415	n	(P-1579;A-5937)	(P-3787/96;A-4008)		
420.665	n	(P-1579;A-5937)	(P-3787/96;A-4008)		
420.680	am	(P-1579;A-5937)	(P-3787/96;A-4008)		
420.825	n	(P-1579;A-5937)	(P-3787/96;A-4008)		
500.210	am	(P-2869)	(P-1745;A-8906)	761.210	n
500.225	n	(P-2869)	(P-8416/96;A-6468)		
500.250	am	(P-2869)	(E-8544/96)		
500.280	am	(P-2869)	(S-14289/96;W-5660)		
500.320	am	(P-2869)	(PF-14288/96;S-5659)		
500.330	am	(P-2869)	(O-14288/96)(R-1405)	761.220	n
500.340	am	(P-2869)	(P-8416/96;A-6468)		
1540.340	n	(P-360;A-4992)(E-476)	(E-8544/96)		
1600.30	am	(P-4977)	(S-14289/96;W-5660)		
1600.80	am	(P-12761/96;A-6095)	(PF-14288/96;S-5659)	761.240	n
1600.90	am	(P-6059)	(O-14288/96)(R-1405)		
		(E-4864)	(P-8416/96;A-6468)		
1600.Ap.A	am	(P-12761/96;A-6095)	(S-14289/96;W-5660)		
1650.210	am	(P-14368/96;A-2422)	(E-8544/96)		
1650.240	am	(P-14368/96;A-2422)	(S-14289/96;W-5660)		
1650.310	am	(P-14368/96;A-2422)	(PF-14288/96;S-5659)	761.420	n
1650.340	am	(P-14368/96;A-2422)	(O-14288/96)(R-1405)		
1650.341	n	(P-14368/96;A-2422)	(P-8416/96;A-6468)		
1650.345	n	(P-14368/96;A-2422)	(E-8544/96)		
1650.350	am	(P-14368/96;A-2422)	(S-14289/96;W-5660)		
1650.355	n	(P-14368/96;A-2422)	(PF-14288/96;S-5659)	761.430	n
1650.390	am	(P-14368/96;A-2422)	(O-14288/96)(R-1405)		
1650.410	am	(P-14368/96;A-2422)	(P-8416/96;A-6468)		
1650.460	am	(P-14368/96;A-2422)	(E-8544/96)		
1650.560	am	(P-14368/96;A-2422)	(S-14289/96;W-5660)		
1650.590	n	(P-14368/96;A-2422)	(PF-14288/96;S-5659)	761.440	n
1650.2900	n	(P-362;A-4844)(E-383)	(O-14288/96)(R-1405)		
2110.510	am	(P-12678/96;A-2950)	(P-8416/96;A-6468)		
2120.440	am	(P-12682/96;A-2855)	(E-8544/96)		
2120.760	am	(P-12682/96;A-2855)	(S-14289/96;W-5660)		
2650.10	am	(P-4894)	(PF-14288/96;S-5659)	761.450	n
2700.430	am	(P-2773)	(O-14288/96)(R-1405)		
2700.700	am	(P-2773)	(P-8416/96;A-6468)		
2700.720	am	(P-2773)	(E-8544/96)		
2700.735	am	(P-2773)	(S-14289/96;W-5660)		
3000.140	am	(P-3353;A-8899)	(PF-14288/96;S-5659)	761.460	n
3000.220	am	(P-3353;A-8899)	(O-14288/96)(R-1405)		

[illegible]

Title 86 cont.	3000 400	am	(P-10439/96;A-4642)	104 209	am	(P-8858)(E-9306)	Title 89 cont.	121 18	n	(P-2820;A-7733)	121 188	am	(P-5410)
	3000 405	am	(P-10439/96;A-4642)	104 210	am	(P-8858)(E-9306)		121 220	n	(P-5410)	121 220	n	(P-5410)
	3000 415	am	(P-10439/96;A-4642)	104 213	am	(P-8858)(E-9306)		121 221	n	(P-5410)	121 221	n	(P-5410)
	3000 420	am	(P-10439/96;A-4642)	104 221	am	(P-8858)(E-9306)		121 222	n	(P-5410)	121 222	n	(P-5410)
	3000 424	n	(P-10439/96;A-4642)	104 246	am	(P-13031/96;A-2236)		121 223	n	(P-5410)	121 223	n	(P-5410)
	3000 600	am	(P-10439/96;A-4642)	111 101	am	(P-10303/96;A-2236)		121 224	n	(P-5410)	121 224	n	(P-5410)
	3000 602	am	(P-10439/96;A-4642)	112	re	(CC-9322)		121 182	n	(P-13151/96;A-3156)	121 182	n	(P-13151/96;A-3156)
	3000 606	n	(P-10439/96;A-4642)	112 10	am	(P-549;A-7391)		130	re	(CC-9322)	130	re	(CC-9322)
	3000 625	am	(P-10439/96;A-4642)	112 66	n	(P-10766/96;A-1366)		140 3	am	(P-3423)(E-3734)	140 3	am	(P-3423)(E-3734)
	3000 635	am	(P-10439/96;A-4642)	112 71	am	(P-11560/96;A-2655)		140 5	am	(P-3423)(E-3734)	140 5	am	(P-3423)(E-3734)
	3000 640	am	(P-10439/96;A-4642)	112 75	n	(P-12326/96;A-940)		140 420	am	(P-3423)(E-3734)	140 420	am	(P-3423)(E-3734)
	3000 660	am	(P-10439/96;A-4642)	112 340	r	(P-1154;A-7391)		140 421	am	(P-3423)(E-3734)	140 421	am	(P-3423)(E-3734)
	3000 665	am	(P-10439/96;A-4642)	112 352	r	(P-797)		140 463	am	(E-705)	140 463	am	(E-705)
	3000 666	n	(P-10439/96;A-4642)	112 354	am	(P-797)		140 569	am	(P-16153/96;A-6899)	140 569	am	(P-16153/96;A-6899)
	3000 670	am	(P-10439/96;A-4642)	112 354	am	(P-797)		140 570	am	(P-16153/96;A-6899)	140 570	am	(P-16153/96;A-6899)
	3000 720	am	(P-10439/96;A-4642)	112 414	am	(P-13138/96;A-2655)		140 571	am	(P-16153/96;A-6899)	140 571	am	(P-16153/96;A-6899)
	3000 725	am	(P-10439/96;A-4642)	113	re	(CC-9322)		140 572	am	(P-16153/96;A-6899)	140 572	am	(P-16153/96;A-6899)
	3000 800	n	(P-10439/96;A-4642)	113 10	am	(P-552;A-7404)		140 573	am	(P-16153/96;A-6899)	140 573	am	(P-16153/96;A-6899)
	3000 810	am	(P-10439/96;A-4642)	114	re	(CC-9322)		140 574	am	(P-16153/96;A-6899)	140 574	am	(P-16153/96;A-6899)
	3000 830	am	(P-10439/96;A-4642)	114 10	am	(P-555;A-7413)		140 575	am	(P-16153/96;A-6899)	140 575	am	(P-16153/96;A-6899)
	3000 840	am	(P-10439/96;A-4642)	114 10	am	(P-555;A-7413)		140 576	am	(P-16153/96;A-6899)	140 576	am	(P-16153/96;A-6899)
	3000 900	am	(P-10439/96;A-4642)	114 452	am	(P-809)		140 577	am	(P-16153/96;A-6899)	140 577	am	(P-16153/96;A-6899)
	3000 910	am	(P-10439/96;A-4642)	114 454	am	(P-809)		140 578	am	(P-16153/96;A-6899)	140 578	am	(P-16153/96;A-6899)
TITLE 89	3000 1020	am	(P-10439/96;A-4642)	115	re	(CC-9322)		140 579	am	(P-16153/96;A-6899)	140 579	am	(P-16153/96;A-6899)
	3000 1030	am	(P-10439/96;A-4642)	116	re	(CC-9322)		140 580	am	(P-16153/96;A-6899)	140 580	am	(P-16153/96;A-6899)
	3000 1040	am	(P-10439/96;A-4642)	117	re	(CC-9322)		140 581	am	(P-16153/96;A-6899)	140 581	am	(P-16153/96;A-6899)
	3000 1050	am	(P-10439/96;A-4642)	117 10	am	(P-1165;A-7759)		140 582	am	(P-16153/96;A-6899)	140 582	am	(P-16153/96;A-6899)
	3000 1070	am	(P-10439/96;A-4642)	117 10	am	(P-1165;A-7759)		140 583	am	(P-16153/96;A-6899)	140 583	am	(P-16153/96;A-6899)
	3000 1071	am	(P-10439/96;A-4642)	117 11	n	(P-11593/96;A-7759)		140 584	am	(P-16153/96;A-6899)	140 584	am	(P-16153/96;A-6899)
	3000 1072	am	(P-10439/96;A-4642)	117 11	n	(P-11593/96;A-7759)		140 585	am	(P-16153/96;A-6899)	140 585	am	(P-16153/96;A-6899)
	3000 1120	am	(P-10439/96;A-4642)	117 12	n	(P-11593/96;A-7759)		140 586	am	(P-16153/96;A-6899)	140 586	am	(P-16153/96;A-6899)
	3000 1126	am	(P-10439/96;A-4642)	117 13	n	(P-11593/96;A-7759)		140 587	am	(P-16153/96;A-6899)	140 587	am	(P-16153/96;A-6899)
	3000 1130	am	(P-10439/96;A-4642)	117 50	am	(P-10303/96;A-395)		140 588	am	(P-16153/96;A-6899)	140 588	am	(P-16153/96;A-6899)
	3000 1135	am	(P-10439/96;A-4642)	117 50	am	(P-10303/96;A-395)		140 589	am	(P-16153/96;A-6899)	140 589	am	(P-16153/96;A-6899)
	3000 1139	am	(P-10439/96;A-4642)	120 11	am	(R-395)		140 590	am	(P-16153/96;A-6899)	140 590	am	(P-16153/96;A-6899)
	3000 1155	am	(P-10439/96;A-4642)	120 11	am	(P-558;A-7423)		140 591	am	(P-16153/96;A-6899)	140 591	am	(P-16153/96;A-6899)
	102 21	am	(P-2924)	120 60	am	(E-692)		140 592	am	(P-16153/96;A-6899)	140 592	am	(P-16153/96;A-6899)
	102 21	am	(P-3892)(E-4037)	120 63	am	(P-3027)		140 593	am	(P-16153/96;A-6899)	140 593	am	(P-16153/96;A-6899)
	102 200	am	(P-7579/96;P-619)	120 347	am	(P-7639)		140 594	am	(P-16153/96;A-6899)	140 594	am	(P-16153/96;A-6899)
	102 210	am	(P-7579/96;P-619)	120 347	am	(P-3027)		140 595	am	(P-16153/96;A-6899)	140 595	am	(P-16153/96;A-6899)
	102 235	am	(P-7579/96;P-619)	120 310	am	(P-558;A-7423)		140 596	am	(P-16153/96;A-6899)	140 596	am	(P-16153/96;A-6899)
	102 270	am	(P-1171;A-7438)	120 330	am	(E-692)		140 597	am	(P-16153/96;A-6899)	140 597	am	(P-16153/96;A-6899)
	102 280	am	(P-1171;A-7438)	120 372	am	(P-2913)		140 598	am	(P-16153/96;A-6899)	140 598	am	(P-16153/96;A-6899)
	104 100	am	(P-8858)(E-9306)	120 379	am	(P-16143/96;A-7423)		140 599	am	(P-16153/96;A-6899)	140 599	am	(P-16153/96;A-6899)
	104 101	am	(P-8858)(E-9306)	120 382	am	(P-2913)		140 600	am	(P-16153/96;A-6899)	140 600	am	(P-16153/96;A-6899)
	104 102	am	(P-8858)(E-9306)	121	re	(CC-9322)		140 601	am	(P-16153/96;A-6899)	140 601	am	(P-16153/96;A-6899)
	104 104	am	(P-8858)(E-9306)	121 7	am	(P-13151/96;A-3156)		140 602	am	(P-16153/96;A-6899)	140 602	am	(P-16153/96;A-6899)

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401.460	n	(P-6286) (E-9151)	407.4	r	(P-169)
401.470	n	(P-6286) (E-9151)	407.5	r	(P-169)
401.500	n	(P-6286) (E-9151)	407.6	r	(P-169)
401.Ap.A	n	(P-6286) (E-9151)	407.7	r	(P-169)
401.Ap.B	n	(P-6286) (E-9151)	407.8	r	(P-169)
401.Ap.C	n	(P-6286) (E-9151)	407.9	r	(P-169)
401.Ap.D	n	(P-6286) (E-9151)	407.10	r	(P-169)
401.Ap.E	n	(P-6286) (E-9151)	407.11	r	(P-169)
401.Ap.F	n	(P-6286) (E-9151)	407.12	r	(P-169)
401.Ap.G	n	(P-6286) (E-9151)	407.13	r	(P-169)
401.Ap.H	n	(P-6286) (E-9151)	407.14	r	(P-169)
402.2	am	(P-5221/96;A-4548)	407.15	r	(P-169)
402.4	am	(P-5221/96;A-4548)	407.16	r	(P-169)
402.6	am	(P-5221/96;A-4548)	407.17	r	(P-169)
402.7	am	(P-5221/96;A-4548)	407.18	r	(P-169)
402.12	am	(P-5221/96;A-4548)	407.19	r	(P-169)
402.13	am	(P-5221/96;A-4548)	407.20	r	(P-169)
403.2	am	(P-5261/96;A-4587)	407.21	r	(P-169)
403.3	r	(P-5261/96;A-4587)	407.22	r	(P-169)
403.4	am	(P-5261/96;A-4587)	407.23	r	(P-169)
403.6	am	(P-5261/96;A-4587)	407.24	r	(P-169)
403.7	am	(P-5261/96;A-4587)	407.25	r	(P-169)
403.15	am	(P-5261/96;A-4587)	407.26	r	(P-169)
403.18	am	(P-5261/96;A-4587)	407.27	r	(P-169)
404.2	am	(P-5160/96;A-4448)	407.28	r	(P-169)
404.3	r	(P-5160/96;A-4448)	407.29	r	(P-169)
404.4	am	(P-5160/96;A-4448)	407.30	r	(P-169)
404.6	am	(P-5160/96;A-4448)	407.31	am	(P-10753/96;A-923)
404.7	am	(P-5160/96;A-4448)	407.32	r	(P-169)
404.13	am	(P-5160/96;A-4448)	407.33	r	(P-169)
404.24	am	(P-5160/96;A-4448)	407.34	r	(P-169)
404.47	am	(P-5160/96;A-4448)	407.35	r	(P-169)
405.2	am	(P-5184/96;A-4513)	407.40	n	(P-169)
405.3	r	(P-5184/96;A-4513)	407.45	n	(P-169)
405.4	am	(P-5184/96;A-4513)	407.50	n	(P-169)
405.6	am	(P-5184/96;A-4513)	407.45	n	(P-169)
405.7	am	(P-5184/96;A-4513)	407.60	n	(P-169)
405.12	am	(P-5184/96;A-4513)	407.70	n	(P-169)
405.19	am	(P-5184/96;A-4513)	407.80	n	(P-169)
406.1	am	(P-5197/96;A-4524)	407.90	n	(P-169)
406.3	r	(P-5197/96;A-4524)	407.100	n	(P-169)
406.4	am	(P-5197/96;A-4524)	407.110	n	(P-169)
406.6	am	(P-5197/96;A-4524)	407.120	n	(P-169)
406.7	am	(P-5197/96;A-4524)	407.130	n	(P-169)
406.9	am	(P-5197/96;A-4524)	407.140	n	(P-169)
406.12	am	(P-5197/96;A-4524)	407.150	n	(P-169)
406.14	am	(P-5197/96;A-4524)	407.180	n	(P-169)
406.Ap.C	am	(P-5197/96;A-4524)	407.190	n	(P-169)
407.1	am	(P-169)	407.200	n	(P-169)
407.2	r	(P-169)	407.210	n	(P-169)
407.3	r	(P-169)			

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407.220	n	(P-169)	437.10	n	(P-8709)
407.230	n	(P-169)	437.20	n	(P-8709)
407.240	n	(P-169)	437.30	n	(P-8709)
407.250	n	(P-169)	437.40	n	(P-8709)
407.260	n	(P-169)	437.50	n	(P-8709)
407.270	n	(P-169)	437.60	n	(P-8709)
407.280	n	(P-169)	437.70	n	(P-8709)
407.290	n	(P-169)	437.80	n	(P-8709)
407.310	n	(P-169)	437.90	n	(P-8709)
407.320	n	(P-169)	505.	re	(CC-9325)
407.330	n	(P-169)	510.	re	(CC-9325)
407.340	n	(P-169)	515.	re	(CC-9325)
407.350	n	(P-169)	520.	re	(CC-9325)
407.360	n	(P-169)	525.	re	(CC-9325)
407.370	n	(P-169)	527.	re	(CC-9325)
407.380	n	(P-169)	530	re	(CC-9325)
407.390	n	(P-169)	545.	re	(CC-9325)
407.Ap.A	a	(P-169)	546.	re	(CC-9325)
407.Ap.B	a	(P-169)	553.	re	(CC-9325)
407.Ap.C	a	(P-169)	553.10	am	(P-1386)
407.Ap.D	a	(P-169)	553.20	am	(P-1386)
407.Ap.E	a	(P-169)	553.40	am	(P-1386)
407.Ap.F	a	(P-169)	553.50	am	(P-1386)
407.Ap.G	n	(P-169)	553.70	am	(P-1386)
408.5	am	(P-5236/96;A-4563)	553.80	am	(P-1386)
408.7	r	(P-5236/96;A-4563)	553.90	am	(P-1386)
408.10	am	(P-5236/96;A-4563)	553.100	am	(P-1386)
408.25	am	(P-5236/96;A-4563)	553.110	am	(P-1386)
408.35	am	(P-5236/96;A-4563)	553.120	am	(P-1386)
408.40	am	(P-5236/96;A-4563)	553.140	am	(P-1386)
408.70	am	(P-5236/96;A-4563)	557.	re	(CC-9325)
408.Ap.E	am	(P-5236/96;A-4563)	562.	re	(CC-9325)
410.20	am	(P-5271/96;A-4596)	562.10	am	(P-15200/96;A-4833)
410.30	r	(P-5271/96;A-4596)	562.20	am	(P-15200/96;A-4833)
410.40	am	(P-5271/96;A-4596)	562.30	am	(P-15200/96;A-4833)
410.60	am	(P-5271/96;A-4596)	562.40	am	(P-15200/96;A-4833)
410.70	am	(P-5271/96;A-4596)	562.60	am	(P-15200/96;A-4833)
410.100	am	(P-5271/96;A-4596)	562.70	r	(P-15200/96;A-4833)
410.140	am	(P-5271/96;A-4596)	562.80	r	(P-15200/96;A-4833)
410.350	am	(P-5271/96;A-4596)	562.90	am	(P-15200/96;A-4833)
434.7	am	(P-8704)	562.Ap.A	r	(P-15200/96;A-4833)
437.1	r	(P-8709)	567.	re	(CC-9325)
437.2	r	(P-8709)	572.	re	(CC-9325)
437.3	r	(P-8709)	590.	re	(CC-9325)
437.4	r	(P-8709)	590.190	am	(P-12335/96;A-1395)
437.5	r	(P-8709)	590.470	am	(P-353)
437.6	r	(P-8709)	617.	re	(CC-9325)
437.7	r	(P-8709)	640	re	(CC-9325)
437.8	r	(P-8709)	655	re	(CC-9325)
437.9	r	(P-8709)	676	re	(CC-9325)
			676.300	am	(P-2678)

Title 89 cont.					Title 92 cont.
677. re (CC-9325)	920.II.C am (P-5018)	1010.420 am (P-7846)			
679. re (CC-9325)	920.II.D am (P-5018)	1010.421 n (P-7846)			
681. re (CC-9325)	920.II.E am (P-5018)	1030.16 am (P-1581;A-6588)			
682. re (CC-9325)	920.II.F # (P-5018)	1030.18 am (P-1581;A-6588)			
684. re (CC-9325)	920.II.G # (P-5018)	1030.70 am (P-4414)			
686. re (CC-9325)	920.II.H # (P-5018)	1030.75 am (P-4414)			
688. re (CC-9325)	920.II.I # (P-5018)	1040.20 am (P-5091)			
688.10 am (P-2945)	920.II.J am (P-5018)	1040.32 am (P-3060)			
688.20 am (P-2945)	920.II.K am (P-5018)	1040.50 am (P-5457)			
688.30 am (P-2945)	920.II.L am (P-5018)	1040.70 am (P-4398)			
688.40 am (P-2945)	925.10 am (P-5073)	1456.10 n (P-10755/96;A-3113)			
716. re (CC-9325)	925.15 am (P-5073)	1456.20 n (P-10755/96;A-3113)			
730. re (CC-9325)	925.30 am (P-5073)	1456.30 n (P-10755/96;A-3113)			
750. re (CC-9325)	925.40 am (P-5073)	1456.40 n (P-10755/96;A-3113)			
755. re (CC-9325)	925.Tb.A am (P-5073)	1456.50 n (P-10755/96;A-3113)			
780. re (CC-9325)	1200.10 am (P-6404)	2500.40 r (P-4440)			
785. re (CC-9325)	1200.20 am (P-6404)				
790. re (CC-9325)	1200.30 am (P-6404)				
795. re (CC-9325)	1200.40 am (P-6404)				
800. re (CC-9325)	1200.50 am (P-6404)				
805. re (CC-9325)	1200.60 am (P-6404)				
810. re (CC-9325)	1200.70 am (P-6404)				
815. re (CC-9325)	1200.80 am (P-6404)				
820. re (CC-9325)	1200.90 am (P-6404)				
825. re (CC-9325)	1200.110 am (P-6404)				
827. re (CC-9325)	1200.Ap.A am (P-6404)				
829. re (CC-9325)	1200.Ap.B am (P-6404)				
830. re (CC-9325)					
830.50 am (P-2627)					
835. re (CC-9325)	14.775 am (P-14383/96;A-3253)				
880. re (CC-9325)	171.5 # (E-4043)				
886. re (CC-9325)	171.22 n (E-4043)				
886.70 am (P-7649)	171.1000 am (E-4043)				
886.80 am (P-7649)	554.206 am (P-14993/96;A-2682)				
886.90 am (P-7649)	554.302 r (P-14993/96;A-2682)				
886.100 am (P-7649)	554.311 am (P-14993/96;A-2682)				
899. re (CC-9325)	554.407 am (P-14993/96;A-2682)				
920.10 am (P-5018)	554.501 am (P-14993/96;A-2682)				
920.15 am (P-5018)	1002.20 am (P-12341/96;A-466)				
920.30 am (P-5018)	(O-500)(R-493)				
920.40 am (P-5018)	1002.30 am (P-12341/96;A-466)				
920.60 am (P-5018)	(O-500)(R-493)				
920.70 am (P-5018)	1002.42 n (P-12341/96;A-466)				
920.80 am (P-5018)	(O-500)(R-493)				
920.90 am (P-5018)	1002.45 am (P-12341/96;A-466)				
920.100 am (P-5018)	(O-500)(R-493)				
920.120 am (P-5018)	1002.60 am (P-12341/96;A-466)				
920.130 am (P-5018)	(O-500)(R-493)				
920.180 am (P-5018)	1002.70 am (P-12341/96;A-466)				
920.II.A # (P-5018)	(O-500)(R-493)				
920.II.B # (P-5018)	1010.180 n (P-4406)				
	1010.185 n (P-4406)				

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